

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

v.

3.00 Acres of land, More or  
Less in Tacoma, Pierce County,  
Washington and  
EVELYN CLAPP and MORTON CLAPP,  
wife and husband;  
PIERCE COUNTY, a municipal  
corporation;  
CITY OF TACOMA, a municipal  
corporation.

Also, all other persons or  
parties unknown claiming any  
right, title, estate, lien  
or interest in the real estate  
described herein, or any  
portion thereof.

Respondents.

DOCKET NO.

571

JUDGMENT ON DECLARATION OF  
TAKING.

( Filed Sept., 15 1943 )

Now comes the petitioner, the United States of America,

by F. P. Keenan, Special Assistant to the Attorney General of the

United States of America, and John W. Fishburne, Special Attorney

for the Department of Justice, and moves the Court to enter a

judgment vesting title in the United States of America in and to

the property hereinafter more particularly described.

Thereupon the Court proceeded to hear and pass upon said

motion, petition in condemnation and declaration of taking, and

finds as follows:

First: That the United States of America is entitled to  
acquire property by eminent domain under the provisions of the Acts  
of Congress approved March 27, 1942, (Public Law 507, 77th Congress)  
and April 28, 1942 ( Public Law 528, 77th Congress), and February 26,  
1931 (46 Stat. 1421) and acts supplementary thereto and amendatory  
thereof.

Second: That a petition for condemnation was filed at the  
request of the Acting Secretary of the Navy, the authority

1 empowered by law to acquire the lands described in said petition,  
2 and also under authority of the Attorney General of the United  
3 States;

4 Third: That in said petition and declaration of taking a  
5 statement of the authority under which and the public use for which  
6 said lands are taken is set out, and that James Forrestal, Acting  
7 Secretary of the Navy, acting for and in behalf of the Secretary  
8 of the Navy, is the person duly authorized and empowered by law to  
9 acquire lands such as are described in the petition for the purposes  
10 aforesaid, and that the Attorney General of the United States is  
11 the person authorized by law to direct the institution of such  
12 condemnation proceedings;

13 Fourth: That a proper description of the lands sought to  
14 be taken, sufficient for the identification thereof, is set out  
15 in said declaration of taking;

16 Fifth: A statement of the estate or interest in said lands  
17 taken for said public use is set out in said declaration of taking;

18 Sixth: A plan showing the lands taken is annexed to and  
19 incorporated in said declaration of taking;

20 Seventh: A statement of the sum of money estimated by said  
21 acquiring authority to be just compensation for the lands taken,  
22 to-wit, the sum of Nineteen Thousand, Eight Hundred and Forty-Five  
23 (\$19,845.00) Dollars, is set out in said declaration of taking, and  
24 said sum has been deposited in the registry of this Court;

25 Eighth: That there is a statement in said declaration of  
26 taking that the estimated ultimate award of damages for the taking  
27 of said property, in the opinion of the Acting Secretary of the Navy,  
28 acting for and in behalf of the Secretary of the Navy, probably will  
29 be within any limits prescribed by law to be paid as a price therefor.

30 And the Court, having fully considered said petition in  
31 condemnation and the declaration of taking, and the statutes in such  
32 case made and provided, is of the opinion that the United States of

America is entitled to take said property and have the title there-  
to vested in it pursuant to the Act of Congress approved February  
26, 1931, 46 Stat. 1421. It is therefore considered by the Court,  
and it is the order, judgment and decree of the Court, that title  
to the following described lands in full fee simple title, including  
all buildings and improvements thereon, if any, all appurtenances  
thereto, and all interests therein be and the same hereby is vested  
in the United States of America, subject, however, to existing public  
utility easements, and said lands are deemed to be condemned and  
taken and are condemned and taken for the use of the United States  
of America, and the right to just compensation shall vest in the  
persons entitled thereto as of the time of the filing of the  
declaration of taking herein simultaneously with the passage of  
title to the petitioner, the United States of America, and when  
said compensation shall be determined herein it shall be awarded  
in this proceeding to the persons entitled thereto and established  
by judgment pursuant to law.

The land so condemned and taken aggregates 6.80 acres  
of land, more or less, situate and being in the County of Pierce,  
State of Washington more particularly described as follows:

Parcel No. 9

Beginning at a point which is the most southerly corner  
of Block 6 "a" of the State Land Commissioner's replat  
of Blocks 13 to 48 inclusive of Tacoma Tide lands  
(formerly in King County) filed under date of December  
25, 1918, commonly and generally referred to as the  
"Anton Replat" said point being on the northwesterly  
boundary line of the highway designated on the records  
of Pierce County as "South Eleventh Street"; thence  
running S. 42° 44' 24" W., 539.923 feet to the true point  
of beginning; thence at right angle to said northwesterly  
boundary line of South Eleventh Street, N. 47° 15' 36" West,  
456 feet; thence parallel with said line of South Eleventh  
Street, S. 42° 44' 24" West, 670.08 feet to the present  
northeasterly line of Alexander Avenue; thence along the  
northeasterly line of Alexander Avenue S. 47° 15' 36" E.,  
520 feet to a point; thence on a curve to the left having  
a radius of 280 feet for a distance of 288.50 feet to a  
point which is the intersection of the northwesterly bound-  
ary line of South Eleventh Street and said curve; thence  
along the northwesterly line of South Eleventh Street N.  
42° 44' 24" E., 430.08 feet, more or less, to the point of  
beginning, containing 6.80 acres, more or less

It is further ORDERED, ADJUDGED and DECREED that possession of the above described property and premises be delivered to the petitioner on the 15<sup>th</sup> day of September, 1943.

It is further ORDERED, that the return date in the above entitled cause is hereby fixed as Monday, the 11th day of October, 1943. *Done in open Court this 15th day of Sept. 1943.*

Charles H. Leary  
United States District Judge

Presented by:

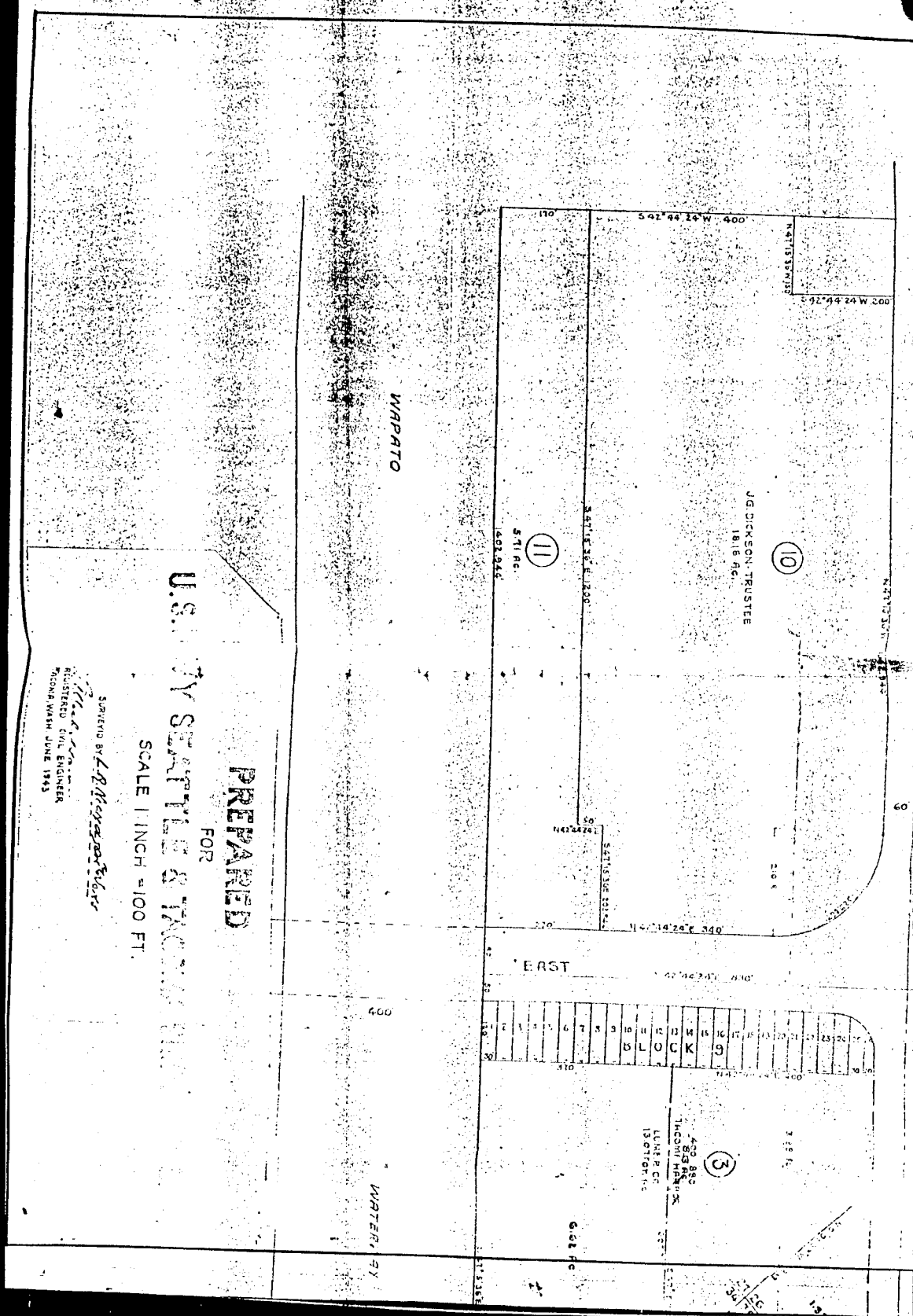
/s/ John W. Fishburne  
Special Attorney  
Department of Justice

The foregoing is a full, true and correct copy of the within instrument *filed on Sept 15, 1943*  
WITNESS my hand and official seal this 15 day of Sept 1943

JUDSON W. SHORETT, Clerk  
By Edwin Birchman  
DEPUTY

388617





PREPARED  
FOR  
U.S. NAVY SEATTLE & TACOMA  
SCALE 1 INCH = 100 FT.

SURVEYED BY *L.R. McQuay*  
REGISTERED CIVIL ENGINEER  
TACOMA WASH JUNE 1943



Office of the Attorney General

Washington, D.C. (25)

March 6, 1944

ND 13 / 111-13

Honorable Frank Knox  
Secretary of Navy  
Washington, D. C.

My dear Mr. Secretary:

I have examined the transcript of record and the enclosed preliminary, supplemental and final title certificates and copy of final judgment entered February 9, 1944, in the condemnation proceeding entitled United States v. 6.80 acres of land in Tacoma, Pierce County, Washington, and Evelyn Clapp, et al., No. 571, in the District Court of the United States for the Western District of Washington, Southern Division, instituted in accordance with the request of your Department to acquire certain land for the Receiving Station, Tacoma, Washington,

Subsequent to the filing of the declaration of taking the court entered judgment determining that \$19,845.00, the amount on deposit, was the just compensation for the taking of this land.

From my examination of the above papers and those previously forwarded to your Department, I am of the opinion that the condemnation proceeding has been regularly conducted and brought to a satisfactory conclusion. A valid title to the land, more particularly described in the final judgment, is now vested in the United States of America in fee simple, subject, however, to existing public utility easements.

Respectfully,

Francis Biddle  
Attorney General

Encl. Out

100-49-72-TA-2
INDEXED
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IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner

v.

6.80 Acres of Land in Pierce  
County, Washington, and  
Evelyn Clapp, et al.

Respondents

T R A N S C R I P T

NO. 571

Parcel 2

33-49518



# Commonwealth Title Insurance Company

W. R. RUST BUILDING  
TACOMA, WASHINGTON

PRELIMINARY  
CERTIFICATE OF TITLE  
No. 30220 - 9

To THE UNITED STATES OF AMERICA:

The COMMONWEALTH TITLE INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Washington, with its principal office in the City of Tacoma, hereby certifies that from its examination of the title to the real estate described in SCHEDULE A hereof, as of the **8th** day of **June, 1943**, at 8:00 o'clock A.M., the title to the said described real estate was indefeasibly vested in fee simple of record in:

**EVELYN CLAPP, wife of Norton Clapp, as her separate estate,**

subject only to the objections, liens, charges, encumbrances and other matters shown under SCHEDULE B hereof.

The maximum liability of the undersigned under this certificate is limited to the sum of

**TWO HUNDRED FIFTY and No/100 DOLLARS (\$250.00).**

This certificate of title is made in consideration of the payment of the premium by the applicant and for **its** use and that of **its** immediate vendor.

IN WITNESS WHEREOF the said Company has caused its corporate seal to be hereto affixed and these presents to be duly signed in accordance with its by-laws.

**Commonwealth Title Insurance Company**

*Horace Fogg* President  
*Shirley E. Perry* Assistant Secretary

FOR VALUE, Washington Title Insurance Company, a Washington corporation, does hereby guarantee the foregoing certificate of title, this guaranty being for the direct benefit of both the issuing company and the parties for whose use it is issued.

**Washington Title Insurance Company**

*L. S. Booth* President  
*Willis L. Davies* Assistant Secretary

## **SCHEDULE A**

Being the legal description of the real estate covered by this certificate.

The following described parcels of real estate:

### **IN THE COUNTY OF PIERCE, STATE OF WASHINGTON**

Beginning at the southerly corner of Block 6 "A" of the State Land Commissioner's Replat of Blocks 13 to 46 inclusive of Tacoma Tide Lands (formerly in King County) filed under date of December 23, 1918, commonly and generally referred to as the "Ashton Replat", thence on northwesterly line of South 11th Street south  $42^{\circ}44'24''$  west 539.923 feet to true point of beginning; thence at right angle to said South 11th Street north  $47^{\circ}15'36''$  west 436 feet; thence parallel with said line of South 11th Street south  $42^{\circ}44'24''$  west 670.08 feet to the present northeasterly line of Alexander Avenue; thence on said line of Avenue south  $47^{\circ}15'36''$  east 320 feet; thence on a curve to the left having a radius of 280 feet for a distance of 268.50 feet; thence on said line of South 11th Street north  $42^{\circ}44'24''$  east 430.08 feet to the true point of beginning.

**SCHEDULE B**

Being all of the estates, interests, equities, lawful claims, or demands, defects, or objections whatsoever to title; and all easements, restrictions, liens, charges, taxes (general, special, or inheritance or assessments of whatever nature), or encumbrances; and all other matters whatsoever affecting said premises, or the estate, right, title or interest of the record owners, which now do exist of record.

1. General taxes for the year 1943, on said premises and other property, in the original amount of \$529.60, the first half of which became delinquent June 1, 1943; the second half will become delinquent December 1, 1943, if then unpaid.
2. Any unpaid charges for installation of water service and for water, electric light, power or sewer service furnished to said premises by the City of Tacoma.

(End of Schedule B)

FACE FOGG, PRESIDENT

K. A. ROEGNER, VICE PRESIDENT

STEWART E. PERRY, SECRETARY

## Commonwealth Title Insurance Company

CAPITAL \$175,000

\$75,000 GUARANTY FUND DEPOSITED WITH STATE TREASURER

All Title Insurance Policies issued by this Company are Reinsured by

Washington Title Insurance Company

Capital \$1,350,000. \$300,000 Guaranty Fund deposited with State Treasurer

W. R. RUST BUILDING

TACOMA, WASHINGTON

December 28, 1943

No. 30220-9

### SUPPLEMENTAL REPORT

Department of Justice  
Lands Division  
Tacoma, Washington

Gentlemen:

In the matter of your application for a guaranteed Certificate of Title, you are advised that the record show no change since the effective date of our preliminary report dated June 8, 1943, except:

The record title to the premises described in said preliminary report is now vested in UNITED STATES OF AMERICA, free from all liens and encumbrances.

NOTE: The taxes noted in paragraph 1 of said preliminary report have been paid and the matter noted in paragraph 2 may now be disregarded.

COMMONWEALTH TITLE INSURANCE COMPANY

By



Assistant Secretary

RJM

# Commonwealth Title Insurance Company

W. R. RUST BUILDING  
TACOMA, WASHINGTON

CORRECTED  
CERTIFICATE OF TITLE

No. 30220-9

Cause 7571

To THE UNITED STATES OF AMERICA:

The COMMONWEALTH TITLE INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Washington, with its principal office in the City of Tacoma, hereby certifies that from its examination of the title to the real estate described in SCHEDULE A hereof, as of the 18th day of September, 1943 at 8:00 o'clock A.M., the title to the said described real estate was indefeasibly vested in fee simple of record in:

UNITED STATES OF AMERICA,

ject only to the objections, liens, charges, encumbrances and other matters shown under SCHEDULE B hereof.

The maximum liability of the undersigned under this certificate is limited to the sum of

**NINETEEN THOUSAND EIGHT HUNDRED FORTY-FIVE and No/100 DOLLARS (\$19,845.00)**

This certificate of title is made in consideration of the payment of the premium by the applicant and for its use and that of its immediate vendor.

IN WITNESS WHEREOF the said Company has caused its corporate seal to be hereto affixed and these presents to be duly signed in accordance with its by-laws.

**Commonwealth Title Insurance Company**

*Harold Fogg* President  
*Sumner E. Perry* Assistant Secretary

FOR VALUE, Washington Title Insurance Company, a Washington corporation, does hereby guarantee the foregoing certificate of title, this guaranty being for the direct benefit of both the issuing company and the parties for whose use it is issued.

**WASHINGTON TITLE INSURANCE COMPANY**

Issued solely to  
correct Cause number  
and liability.

*L. S. Booth* President  
*William C. Cuyler* Assistant Secretary

Form P107

### **SCHEDULE A**

Being the legal description of the real estate covered by this certificate.

The following described parcels of real estate:

IN THE COUNTY OF PIERCE, STATE OF WASHINGTON

Beginning at the southerly corner of Block 6 "A" of the State Land Commissioner's Replat of Blocks 13 to 48, inclusive, of Tacoma Tide Lands (formerly in King County), filed under date of December 23, 1918, commonly and generally referred to as the "Ashton Replat"; thence on northwesterly line of South 11th Street, south  $42^{\circ}44'24''$  west 539.923 feet to true point of beginning; thence at right angle to said South 11th Street, north  $47^{\circ}15'36''$  west 456 feet; thence parallel with said line of South 11th Street, south  $42^{\circ}44'24''$  west 670.08 feet to the present northeasterly line of Alexander Avenue; thence on said line of Avenue south  $47^{\circ}15'36''$  east 320 feet; thence on a curve to the left having a radius of 280 feet for a distance of 288.50 feet; thence on said line of South 11th Street north  $42^{\circ}44'24''$  east 430.08 feet to the true point of beginning.

**SCHEDULE B**

Being all of the estates, interests, equities, lawful claims, or demands, defects, or objections whatsoever to title; and all easements, restrictions, liens, charges, taxes (general, special, or inheritance or assessments of whatever nature), or encumbrances; and all other matters whatsoever affecting said premises, or the estate, right, title or interest of the record owners, which now do exist of record. ; or which otherwise may be known actually to exist, but which may not be of record.

(End of Schedule B)

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

8.80 acres of land, more or  
less, in Tacoma, Pierce  
County, Washington; Evelyn  
Clapp, et al.,

Respondents.

Civil No. 871

ORDER TO PAY FUNDS

(Filed Dec. 29, 1948)

This matter coming on regularly for hearing this day on the petition of the petitioners, Norton Clapp and Evelyn Clapp, husband and wife, to withdraw \$19,845.00 deposited with the Clerk of this Court by the United States of America as estimated just compensation for the taking of the real property described in the petition for condemnation and the declaration of taking herein and hereinafter more fully described, and said petitioners, by the filing of their petition having appeared herein, having consented to the jurisdiction of this Court, having waived notice of hearing and having requested the payment of the sum of \$19,845.00 on account of the taking of said real property, and the Court having considered said petition and having considered the proof as to the rights of said petitioners as to the sum claimed and as to the fair and reasonable value of the property so taken, and the court being generally duly advised in the premises, now, Therefore, it is hereby

ORDERED and ADJUDGED that the Clerk of this Court pay the sum of \$19,845.00 heretofore deposited with the Clerk as just compensation for the taking of said property by the United States, to Norton Clapp and Evelyn Clapp, husband and wife.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the sum of \$19,845.00 shall be paid on account of the taking of the said real estate, situate in Pierce County, State of Washington, and more particularly described as follows:

Beginning at a point which is the most southerly

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corner of Block 6 "A" of the State Land Commissioner's replat of Blocks 13 to 48 inclusive of Tacoma Tide lands (formerly in King County) filed under date of December 22, 1918, commonly and generally referred to as the "Ashton's Replat" said point being on the northwesterly boundary line of the highway designated on the records of Pierce County as "South Eleventh Street", thence running S. 42° 44' 24" W., 889.923 feet to the true point of beginning; thence at right angle to said northwesterly boundary line of South Eleventh Street, N. 47° 15' 36" West, 456 feet; thence parallel with said line of South Eleventh Street, S. 42° 44' 24" W., 670.08 feet to the present northeasterly line of Alexander Avenue; thence along the northeasterly line of Alexander Avenue S. 47° 15' 36" E., 320 feet to a point; thence on a curve to the left having a radius of 280 feet for a distance of 2° 00' 50 feet to a point which is the intersection of the northwesterly boundary line of South Eleventh Street and said curve; thence along the northwesterly line of South Eleventh Street N. 42° 44' 24" E., 450.08 feet, more or less, to the point of beginning, containing 6.90 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that fee simple legal title to the above described land is vested in the United States of America free and clear of any and all charges, interest, claims, taxes, liens and encumbrances of any kind or character whatsoever.

Done in open court this 29 day of December, 1943.

CHARLES H. LEAVY  
United States District Judge

Presented by:

HENRY I. KYLE  
Special Attorney  
Department of Justice.

Approved by:

A. L. LEE  
Attorney for respondents,  
Norton Clapp and Evelyn Clapp,  
husband and wife.

The foregoing is a true and correct copy of the within instrument  
WITNESSED by me, the Clerk of the Court, on this 15th day of February, 1944.  
at Tacoma, Washington  
Clerk of the Court

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

v.

6.80 Acres of Land, more or  
less, in Tacoma, Pierce  
County, Washington; and  
EVELYN CLAPP, et al.,

Respondents.

No. 571

FINAL JUDGMENT

*Filed Feb. 9, 1944*

This matter coming on regularly for hearing this day on the oral motion of the petitioner, United States of America, for the entry of a final judgment herein, and it appearing to the Court that on the 15th day of September, 1943 the petitioner, United States of America, filed herein a declaration of taking and deposited in the registry of this Court the sum of \$19,845.00 as estimated just compensation for the land described in said declaration of taking and hereinafter described; and it further appearing that the only persons or parties interested in said real property or in the compensation to be paid therefor, are Norton Clapp and Evelyn Clapp, husband and wife, and that upon petition of said respondents there was entered herein on December 29, 1943 an order of this court directing the Clerk of this Court to pay to said respondents, Norton Clapp and Evelyn Clapp, husband and wife, the sum of \$19,845.00 on deposit in the registry of this Court on account of the taking of said real property; and it further appearing to the Court that said respondents have offered to accept said sum of \$19,845.00 in full settlement and as just compensation

1 for the taking of said real property and that said offer has  
2 been accepted by the petitioner, United States of America;  
3 and the Court being generally duly advised in the premises,  
4 now, therefore, it is hereby

5 ORDERED, ADJUDGED and DECREED that the just compensa-  
6 tion for the taking of the real property hereinafter  
7 described is the sum of \$19,845.00, said real property being  
8 particularly described as follows:

9  
10 Beginning at a point which is the most southerly  
11 corner of Block 6 "A" of the State Land Commissioner's  
12 replat of Blocks 13 to 48 inclusive of Tacoma Tide  
13 lands (formerly in King County) filed under date of  
14 December 23, 1918, commonly and generally referred to  
15 as the "Ashton's Replat" said point being on the north-  
16 westerly boundary line of the highway designated on the  
17 records of Pierce County as "South Eleventh Street";  
18 thence running S. 42° 44' 24" W., 539.923 feet to the  
19 true point of beginning; thence at right angle to said  
20 northwesterly boundary line of South Eleventh Street,  
21 N. 47° 15' 36" West, 456 feet; thence parallel with  
22 said line of South Eleventh Street, S. 42° 44' 34" W.,  
23 670.08 feet to the present northeasterly line of Alexander  
24 Avenue; thence along the northeasterly line of Alexander  
25 Avenue S. 47° 15' 36" E., 320 feet to a point; thence  
26 on a curve to the left having a radius of 280 feet for  
27 a distance of 288.50 feet to a point which is the inter-  
28 section of the northwesterly boundary line of South  
29 Eleventh Street and said curve; thence along the north-  
30 westerly line of South Eleventh Street N. 42° 44' 24" E.,  
31 430.08 feet, more or less, to the point of beginning,  
32 containing 6.80 acres, more or less, in Pierce County, Wash.

22 It is further ORDERED, ADJUDGED and DECREED that  
23 payment of the sum of \$19,845.00 heretofore made by the Clerk  
24 of this Court to the respondents, Norton Clapp and Evelyn  
25 Clapp, husband and wife, by virtue of the order of this  
26 Court entered herein on December 29, 1943 be and the same  
27 is hereby adjudged to be just compensation for the taking of  
28 the real property hereinabove described.

29 It is further ORDERED, ADJUDGED and DECREED that  
30 title to the above described land is vested in the United  
31 States of America free and clear of any and all charges,  
32

1 interest, claims, taxes, liens or encumbrances of any kind  
2 or character whatsoever.

3 DONE IN OPEN COURT this 7<sup>th</sup> day of February, 1944.

4  
5 CHARLES H. LEAVY  
6 United States District Judge

7 Presented by:

8 HENRY I. KYLE  
9 Special Attorney  
10 Department of Justice

11  
12 Approved:

13 A. L. LEE  
14 Attorney for respondents,  
15 Norton Clapp and Evelyn Clapp

16  
17  
18  
19  
20  
21 The foregoing is a full, true and correct copy of  
22 the within instrument  
23 WITNESS my hand and official seal this 15<sup>th</sup> day  
24 of February 1944

25 JUDSON W. SHERBETT, Clerk  
26 By [Signature] DEPUTY  
27  
28  
29  
30  
31  
32

Reproduced at the National Archives-Pacific NW Region

ND13/N1-13  
F-5-3/RAG:lm  
C49-72-Ta

February 5, 1943

Sir:

Pursuant to the authority of the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), February 6, 1942 (Public Law 440, 77th Congress), and February 7, 1942 (Public Law 441, 77th Congress), the Secretary of the Navy has selected for acquisition 47.83 acres of land, more or less, in Pierce County, Washington, for the expansion of the Seattle Tacoma Shipbuilding facilities, Tacoma, Washington. The lands are more particularly described in the enclosed Exhibit "A".

In accordance with the authority vested in the Secretary of the Navy by the aforementioned Acts of Congress, it is requested that condemnation proceedings be instituted to acquire the lands in fee simple subject to existing public utilities easements.

The ostensible owners of the land are:

J. G. Dickson, Trustee  
City of Tacoma  
County of Pierce  
Kamasket Lumber Company  
Puget Sound State Bank

T. D. Johnson  
George and Mary Babaro  
Foss Launch and Tug Co.  
Ship Lumber Mill Co.

Very truly yours,

James Forrestal  
Acting

Enclosure

The Honorable  
The Attorney General

cc: Com 13, Lt. Bergman, BuShips

Real Estate File

ADDRESS REPLY TO  
"THE ATTORNEY GENERAL"  
AND REFER TO  
DETAILS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

February 25, 1943

RJL-HA

33-10-105-3

713/NI-13  
F-5

4.2 5

Chief, Bureau of Yards and Docks  
Real Estate Division  
Department of the Navy  
Washington, D. C.

Dear Sir:

Reference is made to the condemnation proceeding entitled United States v. 47.83 acres of land in Pierce County, Washington, and J. G. Dickson, Trustee, No. 483, in the District Court of the United States for the Western District of Washington, Southern Division, instituted in accordance with the request of your Department to acquire certain land for the extension of the Seattle-Tacoma Shipbuilding Company facilities.

Enclosed herewith for your files you will find a certified copy of the Petition in Condemnation and Order of Possession entered on February 8, 1943.

Please advise the Department if title evidence will be made available for this property in the near future.

Respectfully,  
For the Attorney General

*Norman M. Little*

NORMAN M. LITTLE  
Assistant Attorney General

Enclosure  
No. 940389



257467

guba



IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Petitioner,

-vs-

47.83 Acres of Land in Pierce  
County, State of Washington;  
and J. G. DICKSON, Trustee;  
CITY OF TACOMA, a municipal  
corporation;  
COUNTY OF PIERCE, a municipal  
corporation;  
KANASKET LUMBER COMPANY, a  
corporation;  
PUGET SOUND STATE BANK, a  
corporation;  
T. D. JOHNSON and JANE DOE  
JOHNSON, husband and wife;  
GEORGE BABARE and MARY  
BABARE, husband and wife;  
FOSS LAUNCH AND TUG COMPANY;  
SHIP LUMBER MILL COMPANY;

Also, all other persons or  
parties unknown claiming any  
right, title, estate, lien or  
interest in the real estate  
described herein, or any portion  
thereof,

Respondents.

No. 483

PETITION IN CONDEMNATION

Now comes the United States of America by F. P.  
Keenan, Special Assistant to the Attorney General of the  
United States of America, and John W. Fishburne and Oliver  
Malm, Special Attorneys for the Department of Justice, at  
the direction and under the authority of the Attorney General  
of the United States pursuant to the request of the Secretary  
of the Navy of the United States of America, and represents  
unto the Court as follows:

I.

This proceeding is instituted under and in accordance  
257467 with the Act of Congress approved March 27, 1942 (Public  
Law 507 - 77th Congress), which act authorizes the acqui-  
sition of land for military or other war purposes, the Act of

2-49-405-3

February 6, 1942 (Public Law 440 - 77th Congress) and the Act of February 7, 1942 (Public Law 441 - 77th Congress), which Acts appropriated funds for such purposes.

II.

That a state of war at the date of the institution of this proceeding existed and still exists between the United States of America and the Kingdom of Japan, the Kingdom of Germany and the Kingdom of Italy.

III.

That the Secretary of the Navy of the United States of America, acting under the authority vested in him by said Acts of Congress, has determined that in his opinion it is necessary and advantageous to acquire for the United States of America by condemnation under judicial process certain land hereinafter to be described, for war purposes, to-wit, to provide for the expansion of the Seattle Tacoma Shipbuilding facilities. Tacoma, Washington.

IV.

That the Secretary of the Navy of the United States of America has further determined that immediate possession of the property hereinafter described is necessary to aid in the successful prosecution of the war between the United States of America and Japan, Germany and Italy.

V.

The land sought to be condemned and taken aggregates 47.83 acres, more or less, situate in the County of Pierce, State of Washington, being the area to be utilized for the expansion of the Seattle Tacoma Shipbuilding facilities, Tacoma, Washington, and more particularly described as follows:



Tract No. 1:

A parcel of land containing 16.1 acres, more or less, situate in Pierce County, State of Washington, as shown on the map marked Exhibit "A" on file in this cause, said Tract No. 1 designated thereon as Outside Storage Area, and being more particularly described as follows:

Commencing at a point of intersection of the extensions of the Southeasterly line of East Eleventh Street and the Northeasterly line of Alexander Avenue, as now laid out and established; thence Southeasterly along said Northeasterly line of Alexander Avenue as extended, a distance of one thousand (1000) feet to a point, said point being the true point of beginning; thence continuing Southeasterly along said Northeasterly line of Alexander Avenue a distance of one thousand sixty-five (1,065) feet to a point; thence Northeasterly parallel to the Southeasterly line of East Eleventh Street a distance of six hundred sixty (660) feet to a point; thence Northwesterly parallel to the Northeasterly line of Alexander Avenue a distance of one thousand sixty-five (1,065) feet to a point; thence Southwesterly parallel to the Southeasterly line of East Eleventh Street a distance of six hundred sixty (660) feet to the point of beginning, said tract containing 16.1 acres, more or less, situated in Southeast one-quarter (1/4) of Section twenty-six (26) Township twenty-one (21) north, Range three (3) East, Willamette Meridian and the North one-half (1/2) of Section thirty-five (35), Township twenty-one (21) North, Range three (3) East, Willamette Meridian.

*plus Parcel SE of Parcel C  
NOT DECLARED  
IN REPORT OF  
EXHIBIT  
C*

Tract No. 2:

A parcel of land containing 18.2 acres, more or less, situate in Pierce County, State of Washington, as shown on the map marked Exhibit "A" on file in this cause, said Tract No. 2 designated thereon as Cascade Property No. 1, and being more particularly described as follows:

Beginning on the Northeasterly line of Block Fourteen (14), State Land Commissioner's Replat of Blocks thirteen (13) to forty-eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat, at a point one hundred fifty (150) feet Southeasterly of the Northerly corner of said Block Fourteen (14); thence parallel with the Northwesterly line of said Block Fourteen (14) South 42 degrees 44 minutes 24 seconds West a distance of one hundred eighty (180) feet; thence parallel with the Southwesterly line of said Block Fourteen (14) North 47 degrees 15 minutes 56 seconds West a distance of one hundred fifty (150) feet to the Northwesterly line of said Block Fourteen (14) South 42 degrees 44 minutes 24 seconds West a distance of four hundred (400) feet; thence parallel with the Southwesterly line of said Block Fourteen (14) South 47 degrees 15 minutes 56 seconds East a distance of twelve hundred (1200) feet; thence

parallel with the Southeasterly line of said Block Fourteen (14) North 42 degrees 44 minutes 24 seconds East a distance of fifty (50) feet; thence parallel with the Southwesterly line of said Block Fourteen (14) South 47 degrees 15 minutes 36 seconds East a distance of 202.944 feet to the Northwesterly line of East Eleventh Street as now laid out and established; thence along said line on East Eleventh Street North 42 degrees 44 minutes 24 seconds East a distance of three hundred forty (340) feet; thence on a curve to the left having a radius of two hundred ten (210) feet for a distance of 329.867 feet to the end of said curve, said point being on the Southwesterly line of Alexander Avenue as now laid out and established; thence along said line of Alexander Avenue North 47 degrees 15 minutes 36 seconds West a distance of 1,042.944 feet; thence South 42 degrees 44 minutes 24 seconds West a distance of twenty (20) feet to the point of beginning, and containing 18.2 acres, more or less, all in Section 27, Township 21 North Range 3 East, W.M.

Tract No. 3:

A parcel of land containing 8.35 acres, more or less, situate in Pierce County, State of Washington, as shown on the map marked Exhibit "A" on file in this cause, said Tract No. 3 designated thereon as Cascade Property No. 2, and being more particularly described as follows:

Beginning at a point on the Northwesterly line of Block Fourteen (14), State Land Commissioner's Replat of Blocks Thirteen (13) to Forty-eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat, a distance of five hundred eighty (580) feet southwesterly of the Northerly corner of said Block Fourteen (14), said point being the true point of beginning; thence along the Northwesterly line of said Block Fourteen (14) south 42 degrees 44 minutes 24 seconds West a distance of one hundred seventy (170) feet; thence south 47 degrees 15 minutes 36 seconds East on the Southwesterly line of said Block Fourteen (14) a distance of 1,402.944 feet to a point on the Northwesterly line of East Eleventh Street as now laid out and established; thence along the said line of East Eleventh Street North 42 degrees 44 minutes 24 seconds East a distance of two hundred twenty (220) feet to a point; thence North 47 degrees 15 minutes 36 seconds West parallel to the Southwesterly line of said Block Fourteen (14) a distance of 202.944 feet to a point; thence south 42 degrees 44 minutes 24 seconds West parallel to the Northwesterly line of East Eleventh Street a distance of fifty (50) feet to a point; thence North 47 degrees 15 minutes 36 seconds West parallel to the Southwesterly line of said Block Fourteen (14) a distance of twelve hundred feet (1200) to the point of beginning, and containing 8.35 acres, more or less, all in Section 27, Township 21 North, Range 3 East, W.M.

SHOULD BE  
5.11 ACRES.

Tract No. 4:

A parcel of land situate in Pierce County, State of Washington, as shown on the map marked Exhibit "A" on file in this cause, said Tract No. 4 designated thereon as the George Babare property and more particularly described as follows:

6.14\*  
Beginning at a point which is the most southerly corner of Block 6 "A" of the State Land Commissioner's Replat of Blocks 13 to 48 inclusive of Tacoma Tide Lands (formerly in King County) filed under date of December 23rd, 1918, commonly and generally referred to as the "Ashton Replat" said point being on the northwesterly boundary line of the highway designated on the records of Pierce County as "South Eleventh Street", thence running south 42° 44' 24" west along said boundary 539.923 feet; thence north 47° 15' 36" west 456 feet to the southeasterly boundary of a certain 14.46 acre tract owned by Evelyn Clapp; thence north 42° 44' 24" east 593.096 feet to the Hylebos Waterway; thence south 69° 23' east 233.167 feet to the northeasterly corner of said Lot 6 "A"; thence south 42° 44' 24" west 140.982 feet to the westerly corner of said Lot 6 "A"; thence south 47° 15' 36" east 240 feet to the point of beginning, all in Sections 26 and 27, Township 21 North Range 3 East, W.M.

Tract No. 5:

N/A  
A parcel of land situate in Pierce County, State of Washington, as shown on the map marked Exhibit "A" on file in this cause, said Tract No. 5 designated thereon as the Poss Launch and Tug Company property, and more particularly described as follows:

Lot 6 "A" of the State Land Commissioner's Replat of Blocks 13 to 48 inclusive, of Tacoma Tide Lands (formerly in King County) filed under date of December 23, 1918, commonly and generally referred to as the "Ashton Replat". All in Section 26 Township 21 North, Range 3 East, W.M.

The above-described Tracts 4 and 5 contain a total of 7.16 acres, more or less.

VI.

The estate sought to be condemned in said land for the public use aforesaid is the fee-simple title in and to said lands, subject to existing public utility easements.

VII.

That this petition has made all persons, as far as ascertained, parties to these proceedings but petitioner also makes parties hereto all persons and corporations unknown owning or claiming to have any right, title, interest or estate in, or lien, encumbrance, servitude, easement, charge, demand, claim or covenant on or in respect to the property hereinbefore described.

VIII.

That the Secretary of the Navy of the United States has made application to the Attorney General of the United States to cause the necessary proceedings to be instituted to acquire for the United States of America the fee simple title to the land as set forth heretofore.

IX.

That the petitioner has done and performed every act and thing required by law to be done by said petitioner as a condition precedent to the beginning and maintaining of this action; that the object for which this proceeding is brought is for the purpose of ascertaining the just compensation for the taking of the property described in this petition.

WHEREFORE, the petitioner prays that the purpose of this condemnation be adjudicated to be a public use; that a jury be empaneled to fix and determine a just and proper award and compensation for the taking and use of the property herein described, or in case a jury be waived then that the

compensation to be made as aforesaid be ascertained and determined by the Court or a Judge thereof; that the Court determine the parties entitled to the sum awarded as just compensation for the taking of said land, and upon payment to or into the registry of the Court for the use of the parties entitled, of the sum adjudged to be just compensation for the land condemned, to adjudge and decree that the title to said land is vested in the United States in fee simple absolute, subject to existing public utility easements; that possession of said property herein be given to the petitioner immediately, and that the Court grant such other and further relief as may be lawful and proper.

F. P. KENNAN

Special Assistant to the Attorney  
General

OLIVER MALM

Special Attorney, Department of  
Justice

JOHN W. FISHER

Special Attorney, Department of  
Justice

UNITED STATES OF AMERICA )  
WESTERN DISTRICT OF WASHINGTON( ss.  
SOUTHERN DIVISION )

OLIVER MALM, being first duly sworn, on oath deposes and says: That he is a Special Attorney for the Department of Justice, and as such makes this verification for and on behalf of the United States, petitioner herein; that he has read the foregoing petition, knows the contents thereof, and the same is true of his own knowledge except as to matters which are therein stated on his information and belief; the source of affiant's information and the grounds for his belief are the official communications, records, files and documents received from the Attorney General of the United States and from the Secretary of the Navy of the United States, and as to those matters he believes the foregoing petition to be true.

OLIVER MALM

SUBSCRIBED and SWORN to before me this 22 day of February, 1943.

Bladys Blitt  
Deputy Clerk, United States  
District Court for the Western  
District of Washington

The foregoing is a full, true and correct copy of the within instrument Petition in Reindeer.

WITNESS my hand and official seal this 22 day of Feb 1943

JUDSON W. SHORETT, Clerk

By Bladys Blitt  
DEPUTY

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Petitioner,

-vs-

47.83 Acres of Land in Pierce County,  
State of Washington; and J. G. DICKSON,  
Trustee;  
CITY OF TACOMA, a municipal corporation;  
COUNTY OF PIERCE, a municipal corpora-  
tion;  
KARAKAT LUMBER COMPANY, a corporation;  
PUGET SOUND STATE BANK, a corporation;  
T. D. JOHNSON and JANE LOU JOHNSON,  
husband and wife;  
GEORGE BABARE and NAFF BABARE, husband  
and wife;  
POSS LAUNCH AND TUG COMPANY;  
SHIP LUMBER MILL COMPANY;

Also all other persons or parties un-  
known claiming any right, title, estate,  
lien or interest in the real estate des-  
cribed herein, or any portion thereof,

Respondents.

NO. 483

ORDER OF POSSESSION.

This cause coming on regularly for hearing in open Court this 8th day of February, 1943, on the motion of the petitioner, United States of America, for possession of the premises described in the petition, the petitioner, United States of America, being represented by F. P. Keenan, Special Assistant to the Attorney General, and Oliver Halm and John F. Fishburne, Special Attorneys, for the Department of Justice; testimony having been introduced by the petitioner and the Court finding as a fact that possession of the premises described is being acquired for military purposes and that it is necessary and advantageous to acquire the same to aid in the successful prosecution of the war between the United States of America and Japan, Germany and Italy, now, therefore, it is hereby

ORDERED, ADJUDGED and DECREED that the petitioner, United States of America, have possession on the 8th day of February, 1943 of the following described property; subject to existing public utility easements.

Tract No. 1:

A parcel of land containing 16.1 acres, more or less, situate in Pierce County, State of Washington, as shown on map marked Exhibit "A" on file in this cause, said Tract No. 1 designated thereon as Outside Storage Area, and being more particularly described as follows:

Commencing at a point of intersection of the extensions of the Southeast-  
erly line of East Eleventh Street and the Northeastly line of Alexander Avenue,  
as now laid out and established; thence Southeastly along said Northeast-  
ly line of Alexander Avenue as extended, a distance of one thousand (1000)  
feet to a point, said point being the true point of beginning; thence con-  
tinuing Southeastly along said Northeastly line of Alexander Avenue a  
distance of one thousand sixty-five (1,065) feet to a point; thence Northeast-  
erly parallel to the Southeastly line of East Eleventh Street a distance of  
six hundred sixty (660) feet to a point; thence Northwestly parallel to the  
Northeastly line of Alexander Avenue a distance of one thousand sixty-five  
(1,065) feet to a point; thence Southwestly parallel to the Southeastly  
line of East Eleventh Street a distance of six hundred sixty (660) feet to the  
point of beginning, said tract containing 16.1 acres, more or less, situated  
in Southeast one-quarter (1/4) of Section twenty-six (26) Township twenty-one  
(21) North, Range three (3) East, Villanette Meridian and the North one-half  
(1/2) of Section thirty-five (35), Township twenty-one (21) North, Range three  
(3) East, Villanette Meridian.

**Tract No. 2:**

A parcel of land containing 18.2 acres, more or less, situate in Pierce  
County, State of Washington, as shown on the map marked Exhibit "A" on file  
in this cause, said Tract No. 2 designated thereon as Cascade Property No. 1,  
and being more particularly described as follows:

Beginning on the Northeastly line of Block fourteen (14), State Land Com-  
missioner's Replat of Blocks thirteen (13) to forty-eight (48), both inclusive  
Tacoma Tidelands, formerly in King County, Washington, commonly referred to as  
Ashton's Replat, at a point one hundred fifty (150) feet Southeastly of the  
Northerly corner of said Block fourteen (14); thence parallel with the North-  
westerly line of said Block fourteen (14) South 42 degrees 44 minutes 24 sec-  
onds West a distance of one hundred eighty (180) feet; thence parallel with the  
Southwesterly line of said Block fourteen (14) North 47 degrees 15 minutes 36  
seconds West a distance of one hundred fifty (150) feet to the Northwestly  
line of said Block fourteen (14) South 42 degrees 44 minutes 24 seconds West  
a distance of four hundred (400) feet; thence parallel with the Southwestly  
line of said Block fourteen (14) South 47 degrees 15 minutes 36 seconds East  
a distance of twelve hundred (1200) feet; thence parallel with the Southeast-  
ly line of said Block fourteen (14) North 42 degrees 44 minutes 24 seconds  
East a distance of fifty (50) feet; thence parallel with the Southwestly line  
of said Block fourteen (14) South 47 degrees 15 minutes 36 seconds West a dis-  
tance of 202.944 feet to the Northwestly line of East Eleventh Street as now  
laid out and established; thence along said line on East Eleventh Street North  
42 degrees 44 minutes 24 seconds East a distance of three hundred forty (340)  
feet; thence on a curve to the left having a radius of two hundred ten (210)  
feet for a distance of 329.867 feet to the end of said curve, said point being  
on the Southwestly line of Alexander Avenue as now laid out and established;  
thence along said line of Alexander Avenue North 47 degrees 15 minutes 36  
seconds West a distance of 1,042.944 feet; thence South 42 degrees 44 minutes  
24 seconds East a distance of twenty (20) feet to the point of beginning, and  
containing 18.2 acres, more or less, all in Section 27, Township 21 North,  
Range 3 East, T.M.

**Tract No. 3:**

A parcel of land containing 6.35 acres, more or less, situate in Pierce County,  
State of Washington, as shown on the map marked Exhibit "A" on file in this  
cause, said Tract No. 3 designated thereon as Cascade Property No. 2, and  
being more particularly described as follows:

Beginning at a point on the Northwestly line of Block fourteen (14), State  
Land Commissioner's Replat of Blocks thirteen (13) to forty-eight (48), both



inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat, a distance of five hundred eighty (580) feet southwesterly of the Northerly corner of said Block fourteen (14), said point being the true point of beginning; thence along the Northwesterly line of said Block fourteen (14) south 42 degrees 44 minutes 24 seconds West a distance of one hundred seventy (170) feet; thence south 47 degrees 15 minutes 36 seconds East on the Southwesterly line of said Block fourteen (14) a distance of 1,402.944 feet to a point on the Northwesterly line of East Eleventh Street as now laid out and established; thence along the said line of East Eleventh Street North 42 degrees 44 minutes 24 seconds East a distance of two hundred twenty (220) feet to a point; thence North 47 degrees 15 minutes 36 seconds West parallel to the Southwesterly line of said Block fourteen (14) a distance of 202.944 feet to a point; thence south 42 degrees 44 minutes 24 seconds West parallel to the Northwesterly line of East Eleventh Street a distance of fifty (50) feet to a point; thence North 47 degrees 15 minutes 36 seconds West parallel to the Southwesterly line of said Block fourteen (14) a distance of twelve hundred feet (1200) to the point of beginning, and containing 6.35 acres more or less, all in Section 27, Township 21 North, Range 3 East, T. N.

**Tract No. 4**

A parcel of land situate in Pierce County, State of Washington, as shown on the map marked Exhibit "A" on file in this cause, said Tract No. 4 designated thereon as the George Babers property and more particularly described as follows:

Beginning at a point which is the most southerly corner of Block 6 "A" of the State Land Commissioner's Replat of Blocks 13 to 48 inclusive of Tacoma Tide Lands (formerly in King County) filed under date of December 23rd, 1918, commonly and generally referred to as the "Ashton Replat" said point being on the Northwesterly boundary line of the highway designated on the records of Pierce County as "South Eleventh Street", thence running south 42° 44' 24" West along said boundary 539.923 feet; thence north 47° 15' 36" west 156 feet to the southeasterly boundary of a certain 14.46 acre tract owned by Evelyn Clapp; thence north 42° 44' 24" east 593.095 feet to the Nylebos Waterway; thence south 69° 23' east 239.167 feet to the northwesterly corner of said Lot 6 "A"; thence south 42° 44' 24" west 140.982 feet to the westerly corner of said Lot 6 "A"; thence south 47° 15' 36" east 240 feet to the point of beginning, all in Sections 26 and 27, Township 21 North, Range 3 East, T. N.

**Tract No. 5**

A parcel of land situate in Pierce County, State of Washington, as shown on the map marked Exhibit "A" on file in this cause, said Tract No. 5 designated thereon as the Foss Launch and Tug Company property, and more particularly described as follows:

Lot 6 "A", of the State Land Commissioner's Replat of Blocks 13 to 48 inclusive, of Tacoma Tide Lands (formerly in King County) filed under date of December 23rd, 1918, commonly and generally referred to as the "Ashton Replat", All in Section 26, Township 21 North, Range 3 East, T. N.

The above-described Tracts 4 and 5 contain a total of 7.16 acres, more or less.

It is further ORDERED, ADJUDGED and DECREED that service of a copy of this Order of Possession and a copy of the Petition for Condemnation shall be sufficient notice to vacate to all persons being in possession of, or having an interest in the property described in this Order; and the Marshal is hereby directed to immediately serve a copy of this Order of Possession and a copy of the Petition for

1. Condemnation on all persons named as parties respondent in this cause, and on all  
2. persons who are in possession of said premises at the time of said service, and to  
3. deliver immediate possession to the United States of America in or to its duly  
4. qualified and acting agents.

5. DONE IN OPEN COURT this 8th day of February, 1943.

6. CHARLES H. LEAVE  
7. United States District Judge

8. Presented by:

9. Oliver Hale  
10. Special Attorney for the  
11. Department of Justice.

12. The foregoing is a full, true and correct copy of  
13. the within instrument .....

14. WITNESS my hand and official seal this 11th day  
15. of February, 1943.

16. JUDSON W. SHORRETT, Clerk

17. By Elmer Basselman  
18. DEPUTY

19. 1943 FEB 20 AM 10 03

20. MAIL DEPT.  
21. BUREAU

ND13/N1-13  
F-5-3/RAG:lm  
049-72-Ta

March 5, 1943

Sir:

Reference is made to the condemnation proceedings entitled United States v. 47.83 acres or land, more or less, in Pierce County, Washington.

It has now been determined that an electrical power plant will be constructed upon Tract 1 in the above named condemnation case. Therefore it is deemed advantageous to the interest of the United States to dismiss the condemnation proceedings against Tract 1 as described in the petition in condemnation. Under date of March 3, 1943, your Department was requested to institute proceedings against 16 acres of land, more or less, which land will be used as the open storage area rather than Tract 1 in the above case.

It is requested that your Department take the necessary action to accomplish the dismissal.

Very truly yours,

James Forrestal  
Acting

The Honorable  
The Attorney General

cc: Com 13, Lt. Bergman

*Real Estate File*

(77)

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

United States of America,  
Petitioner,

v.

Civil 483

47.83 acres of land in  
Pierce County, Washington;  
J. G. Dickson, et al.,

Defendants

26 Jul 53

DECLARATION OF TAKING

WHEREAS, pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress) and February 7, 1942 (Public Law 441, 77th Congress) and February 6, 1942 (Public Law 440, 77th Congress), the above styled condemnation proceeding has been instituted,

NOW, THEREFORE, pursuant to the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), I, Acting Secretary of the Navy, acting for and in behalf of the Secretary of the Navy, do hereby make and cause to be filed this Declaration of Taking, and by virtue of authority thereof do hereby state that the lands selected for acquisition are shown as Parcels 8, 8A, 10, and 11 on a map entitled "U. S. Navy Seatt & Tacoma Shipyard Site," dated June, 1943, attached hereto as Exhibit "A". The lands selected for acquisition aggregate Thirty-one and Seven Hundreths (31.07) acres, more or less, Tacoma, Pierce County, Washington, and are more particularly described as follows:

Parcel 8. Beginning at a point which is the most southerly corner of Block 6 "A" of the State Land Commissioner's Replat of Blocks 12 to 42 inclusive of Tacoma Tide Lands (formerly in King County) filed under date of September 23, 1918, commonly and generally referred to as the "Ashton Replat" said point being on the north-westerly boundary line of the highway designated

Q49-72-Ta

77a

on the records of Pierce County as "South Eleventh Street," thence running S. 42° 44' 24" W., along said boundary, 539.923 feet; thence N. 47° 15' 36" W., 456 feet to the southeasterly boundary of a certain 14.46 acre tract owned by Evelyn Clapp; thence N. 42° 44' 24" E., 595.095 feet to the Hylebos Creek Waterway; thence S. 69° 23' E., 233.167 feet to the northerly corner of said Lot 6 "A"; thence S. 42° 44' 24" W., 140.982 feet to the westerly corner of said Lot 6 "A"; thence S. 47° 15' 36" E., 240 feet to the point of beginning, all in Sections 26 and 27, Township 21 North, Range 3 East, W.M., Pierce County, Washington, containing 6.14 acres, more or less.

Parcel  
"E"

Parcel 8A. Lot 6 "A", of the State Land Commissioner's Replat of Blocks 13 to 48 inclusive, of Tacoma Tide Lands (formerly in King County) filed under date of December 23, 1918, commonly and generally referred to as the "Ashton Replat," all in Section 26, Township 21 North, Range 3 East, W.M., Pierce County, Washington, containing 1.04 acres, more or less.

N/A

Parcel 10. Beginning at the point of intersection of the southwesterly line of Alexander Avenue and the northeasterly extension of a line parallel to and 150 feet southeasterly from the northwesterly line of Block Fourteen (14), State Land Commissioner's Replat of Blocks Thirteen (13) to Forty-Eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat; thence parallel with the northwesterly line of said Block Fourteen (14) S. 48° 44' 24" W., a distance of Two Hundred (200) feet; thence parallel with the southwesterly line of said Block Fourteen (14) N. 47° 15' 36" W., a distance of one hundred fifty (150) feet to the northwesterly line of said Block Fourteen (14) S. 42° 44' 24" W., a distance of four hundred (400) feet; thence parallel with the southwesterly line of said Block Fourteen (14) S. 47° 15' 36" E., a distance of twelve hundred (1200) feet; thence parallel with the southeasterly line of said Block Fourteen (14) N. 42° 44' 24" E., a distance of fifty (50) feet; thence parallel with the southwesterly line of said Block Fourteen (14) S. 47° 15' 36" E., a distance of 202.944 feet to the northwesterly line of East Eleventh Street as now laid out and established; thence along said line of East Eleventh Street N. 42° 44' 24" E., a distance of three hundred forty (340) feet; thence on a curve to the left having a radius of two hundred feet (200), with a distance of 329.867 feet to the end of said curve, said point being on the southwesterly line of Alexander Avenue as now laid out and established; thence along said line of Alexander Avenue N. 47° 15' 36" W., a distance of 1042.944 feet to the point of beginning; and containing 18.18 acres, more or less, all in Section 27, Township 21 North, Range 3 East, W.M., Pierce County, Washington.

(See 42°)  
See  
Correct

Parcel 10  
Parcel 10

C44-72-72

**Parcel 11.** Beginning at a point on the north westerly line of Block Fourteen (14) State Land Commissioner's Replat of Blocks Thirteen (13) to Forty-Eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat, a distance of Six Hundred (600) feet southwesterly from the point of intersection of the northeasterly extension of said northwesterly line of Block Fourteen (14) and the southwesterly line of Alexander Avenue, said point being the true point of beginning; thence along the northwesterly line of said Block Fourteen (14) S. 42° 44' 24" W., a distance of one hundred seventy (170) feet; thence S. 47° 15' 36" E., on the southwesterly line of said Block Fourteen (14) a distance of 1,402.944 feet to a point on the northwesterly line of East Eleventh Street as now laid out and established; thence along the said line of East Eleventh Street N. 42° 44' 24" E., a distance of two hundred twenty (220) feet to a point; thence N. 47° 15' 36" W., parallel to the southwesterly line of said Block Fourteen (14) a distance of 202.944 feet to a point; thence S. 42° 44' 24" W., parallel to the northwesterly line of East Eleventh Street a distance of fifty (50) feet to a point; thence N. 47° 15' 36" W., parallel to the southwesterly line of said Block Fourteen (14) a distance of twelve hundred feet (1200) to the point of beginning, and containing 2.71 acres, more or less, all in Section 27, Township 21 North, Range 3 East, W.M. Pierce County, Washington.

PARCEL 11  
A

And I do declare the lands to be taken under authority of the aforesaid Acts of Congress; that the use to which the lands are to be put is the expansion of the Seattle-Tacoma shipbuilding facilities; and that the estate hereby taken in said lands for the public use aforesaid is in fee simple, subject, however, to existing public utility easements.

And I do hereby state that the sum of money estimated by me to be just compensation for all of said lands, improvements thereon, and appurtenances thereunto belonging is One Hundred Four Thousand Six Hundred Twenty-eight Dollars (\$104,628.00) which is hereby deposited into the registry of the court for the use and benefit of the persons entitled thereto. The amounts of just compensation for said lands which are hereby taken are shown on Schedule "A".

Abstract Examined by G. A. U.  
NOV 9 1946 R. L. B.  
Date

C49-72-Ta

(3)

I am of the opinion that the ultimate award for the taking of said lands will be within the limits prescribed by Congress.

IN WITNESS WHEREOF, the Petitioner, by and through the Acting Secretary of the Navy, acting for and in behalf of the Secretary of the Navy, has caused this Declaration of Taking to be signed and the seal of the Navy Department to be affixed hereto in the City of Washington, District of Columbia, this 26th day of July, 1943.

UNITED STATES OF AMERICA

(SEAL)

By James Forrestal  
Acting Secretary of the Navy

C49-72-TA

**SCHEDULE "A"**

The names of the persons having title to or other interests in the lands described in the within Declaration of Taking, and the amounts estimated to be just compensation for each respective ownership are as follows:

Parcel	Name	acres	Compensation
8	George Barbara	6.14	\$30,000.00
8A	Foss Launch & Tug Company	1.04	4,650.00
10	J. G. Dickson, Trustee Cascade Timber Co.	18.18	50,000.00
11	J. G. Dickson, Trustee Cascade Timber Co.	5.71	19,978.00
		<u>31.07</u>	<u>\$104,628.00</u>

C49-72-Ta.

(5)



RB19-11-17  
F-5-3/RAG:lm  
CL-12-Ta

July 26, 1943

The Honorable  
The Attorney General

Sir:

In accordance with the request of the Acting Secretary of the Navy dated February 5, 1943, there was initiated pursuant to the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress), February 6, 1942 (Public Law 446, 77th Congress), and February 7, 1942 (Public Law 441, 77th Congress), the condemnation proceeding entitled United States v. 27.83 acres of land in Pierce County, Washington; J. D. Dickson, et al., et al., to acquire land for the expansion of the Seattle-Tacoma Shipbuilding Facilities.

The property has been appraised to determine its fair market value and in order that estimated just compensation may be made available immediately to the owners or others having compensable interests therein, the enclosed Declaration of Taking has been prepared pursuant to the authority of the Act of Congress approved February 26, 1931 (46 Stat. 1421) and is forwarded herewith with the request that it be filed in the cause.

A check in the amount of the estimated just compensation for the lands described in the enclosed Declaration of Taking is submitted herewith to be deposited with the Clerk of the Court for the benefit and use of the persons entitled thereto.

Your attention is invited to the fact that the Declaration of Taking covers only 11.07 acres, whereas the Petition in Condemnation asserted 27.83 acres. The difference in acreage is due to the dismissal of Parcel 1 in the original Petition as requested by my letter of March 5, 1943.

Very truly yours,

James Forrester  
Acting

- Encls.  
1. Declaration  
2. Schedule  
3. Map

*Real Estate File*

cc: Com 13

Lt. Bergman

BuShips

Lt. Muir

(8)

SEP 16 1949

Docket Entry

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner

v.

47.83 acres of land in Pierce County,  
Washington, and J. G. Dickson,  
Trustee, et al.,

Respondents

Initial Partial

T R A N S C R I P T

NO. 403

Parcel

33-49-405-3

*File*

*C 49-72-Ta*

*L.M.*

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Petitioner,

v.

47.85 Acres of Land in  
Pierce County, Washington;  
and J. G. DICKSON, Trustee;  
CITY OF TACOMA, a municipal  
corporation;  
COUNTY OF PIERCE, a municipal  
corporation;  
GEORGE BABARE and MARY BABARE,  
husband and wife;  
POSS LAUNCH AND TUG COMPANY,  
a Washington corporation;  
MAXWELL PETROLEUM CORPORATION;  
AIR REDUCTION SALES COMPANY,  
a corporation;  
STATE OF WASHINGTON, a  
sovereign corporation;  
COMMERCIAL WATERWAY DISTRICT  
No. 1;

Also all other persons or  
parties unknown claiming any  
right, title, estate, lien  
or interest in the real estate  
described herein, or any portion  
thereof,

Respondents.

DOCKET No. 483

JUDGMENT ON THE  
DECLARATION OF TAKING

*Filed Aug 31/1943*

This day comes the petitioner, the United States of  
America, by F. P. Keenan, Special Assistant to the Attorney  
General of the United States, and John W. Fishburne and  
Oliver Malm, Special Attorneys for the Department of Justice,  
and moves the Court to enter a judgment vesting title in the  
United States of America in and to the property, together  
with all improvements thereon and appurtenances thereunto  
belonging, hereinafter more particularly described,

It appearing to the Court that there is on file in  
this cause a petition in condemnation instituted under and

393763

1 in accordance with the Acts of Congress approved March 27,  
2 1942 (Public Law 507, 77th Congress), February 6, 1942  
3 (Public Law 440, 77th Congress), and February 7, 1942  
4 (Public Law 441, 77th Congress).

5 It further appearing to the Court that an order of  
6 possession was signed and entered in this cause on the 8th  
7 day of February, 1943, granting possession to the United  
8 States of America of 47.83 acres of land, more or less,  
9 being more particularly described in the order of possession,  
10 and that a declaration of taking having been filed herein,  
11 and the Court being fully advised in the premises finds as  
12 follows:

13 FIRST: That the United States of America is  
14 entitled to acquire property by eminent domain under the  
15 provisions of the Acts of Congress approved March 27, 1942  
16 (Public Law 507, 77th Congress, February 6, 1942 (Public  
17 Law 440, 77th Congress), and February 7, 1942 (Public Law  
18 441, 77th Congress), and under the further provision of  
19 the Act of Congress approved February 26, 1951 (48 Stat.  
20 1481).

21 SECOND: That a petition for condemnation was filed  
22 at the request of the <sup>Acting</sup> Secretary of the Navy of the United  
23 States, the authority empowered by law to acquire the land  
24 described in said petition, and also under the authority of  
25 the Attorney General of the United States.

26 THIRD: That in said petition and declaration of  
27 taking a statement of the authority under which and the  
28 public use for which said land, together with improvements  
29 thereon and appurtenances thereunto belonging is taken is  
30 set out, and that James Forrestal, Acting Secretary of the  
31 Navy, is the person duly authorized and empowered by law  
32 to acquire land such as is described in the petition for the

1 purposes aforesaid, and that the Attorney General of the  
2 United States is the person authorized by law to direct the  
3 institution of such condemnation proceedings.

4  
5 FOURTH: That a proper description of the land sought  
6 to be taken, together with all the improvements thereon and  
7 appurtenances thereunto belonging, sufficient for the  
8 identification thereof, is set out in said declaration of  
9 taking.

10 FIFTH: A statement of the estate or interest in said  
11 land taken for said public use is set out in said declaration  
12 of taking.

13 SIXTH: A plat showing the land taken is annexed to  
14 and incorporated in said declaration of taking.

15 SEVENTH: A statement of the sum of money estimated  
16 by said acquiring authority to be just compensation for the  
17 land taken, together with the improvements thereon and the  
18 appurtenances thereunto belonging, to-wit, the sum of One  
19 Hundred Four Thousand Six Hundred Twenty Eight (\$104,628.00)  
20 Dollars is set out in said declaration of taking and said sum  
21 has been deposited in the Registry of the Court.

22 EIGHTH: That there is a statement in said declaration  
23 of taking that the estimated ultimate award of damages for the  
24 taking of said property, in the opinion of the Acting Secretary  
25 of the Navy of the United States, probably will be within any  
26 limits prescribed by Congress to be paid as a price therefor.

27 And the Court having fully considered said petition  
28 in condemnation and the declaration of taking and the statutes  
29 in such case made and provided, is of the opinion that the  
30 United States of America is entitled to take said property,  
31 together with all improvements thereon and appurtenances  
32 thereunto belonging, and have the title thereto vested in it

1 pursuant to the Act of Congress approved February 28, 1931  
2 (45 Stat. 1421). It is therefore considered by the Court,  
3 and it is the order, judgment and decree of the Court, that  
4 title to the following described land together with all  
5 the improvements thereon and the appurtenances thereunto  
6 belonging, in fee simple absolute, subject to existing public  
7 utility easements, be and the same is hereby vested in the  
8 United States of America, and said land, together with all  
9 improvements thereon and appurtenances thereunto belonging,  
10 is deemed to be condemned and taken and is condemned and  
taken for the use of the United States, and the right to  
just compensation shall vest in the persons entitled thereto  
as of the time of the filing of the declaration of taking  
herein simultaneously with the passage of title to the  
petitioner, the United States of America, and when said  
compensation shall be determined herein it shall be awarded  
in this proceeding to the persons entitled thereto and  
established by judgment pursuant to law.

The land so condemned and taken by said declaration  
of taking aggregates 51.07 acres, more or less, situate  
and being in Tacoma, Pierce County, Washington, wholly with-  
in the Western District of Washington, and is described as  
follows:

Parcel 8:

Beginning at a point which is the most southerly  
corner of Block 6 "A" of the State Land Commissioner's  
Replat of Blocks 13 to 48 inclusive of Tacoma Tide  
Lands (formerly in King County) filed under date of  
December 28, 1915, commonly and generally referred  
to as the "Ashton Repat" said point being on the  
northwesterly boundary line of the highway designated  
on the records of Pierce County as "South Eleventh  
Street," thence running S. 42° 44' 24" W. along said  
boundary, 530.925 feet; thence N. 47° 15' 36" W.,  
456 feet to the southeasterly boundary of a certain  
14.46 acre tract owned by Evelyn Clapp; thence N.  
42° 44' 24" E., 595.095 feet to the Hylebos Creek

waterway; thence S. 69° 23' E. 233.167 feet to the northerly corner of said Lot 6 "A"; thence S. 45° 44' 24" W. 140.988 feet to the westerly corner of said Lot 6 "A"; thence S. 47° 15' 56" E. 240 feet to the point of beginning, all in Sections 26 and 27, Township 21 North, Range 3 East, W.M., Pierce County, Washington, containing 6.14 acres, more or less.

Parcel 9A:

Lot 6 "A", of the State Land Commissioner's Replat of Blocks 13 to 48 inclusive, of Tacoma Tide Lands (formerly in King County) filed under date of December 23, 1918, commonly and generally referred to as the "Ashton Replat" all in Section 26, Township 21 North, Range 3 East, W.M., Pierce County, Washington, containing 1.04 acres, more or less.

Parcel 10:

Beginning at the point of intersection of the southwesterly line of Alexander Avenue, and the northeasterly extension of a line parallel to and 150 feet southeasterly from the northwesterly line of Block Fourteen (14), State Land Commissioner's Replat of Blocks Thirteen (13) to Forty-Eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat; thence parallel with the northwesterly line of said Block Fourteen (14) S. 45° 44' 24" W., a distance of Two Hundred (200) feet; thence parallel with the southwesterly line of said Block Fourteen (14) N. 47° 15' 56" W., a distance of one hundred fifty (150) feet to the northwesterly line of said Block Fourteen (14) S. 45° 44' 24" W., a distance of four hundred (400) feet; thence parallel with the southwesterly line of said Block Fourteen (14) S. 47° 15' 56" E., a distance of twelve hundred (1200) feet; thence parallel with the southeasterly line of said Block Fourteen (14) N. 42° 44' 24" E., a distance of fifty (50) feet; thence parallel with the southwesterly line of said Block Fourteen (14) S. 47° 15' 56" E., a distance of 202,944 feet to the northwesterly line of East Eleventh Street as now laid out and established; thence along said line of East Eleventh Street N. 42° 44' 24" E., a distance of three hundred forty (340) feet; thence on a curve to the left having a radius of two hundred ten (210) feet a distance of 200,987 feet to the end of said curve, said point being on the southwesterly line of Alexander Avenue as now laid out and established; thence along said line of Alexander Avenue N. 47° 15' 56" W., a distance of 1048,944 feet to the point of beginning; and containing 18.19 acres, more or less, all in Section 27, Township 21 North, Range 3 East, W.M., Pierce County, Washington.

**Parcel 11:**

Beginning at a point on the northwesterly line of Block Fourteen (14) State Land Commissioner's Replat of Blocks Thirteen (13) to Forty-Eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat, a distance of Six Hundred (600) feet southwesterly from the point of intersection of the northwesterly extension of said northwesterly line of Block Fourteen (14) and the southwesterly line of Alexander Avenue, said point being the true point of beginning; thence along the northwesterly line of said Block Fourteen (14) S. 42° 44' 24" W., a distance of one hundred seventy (170) feet; thence S. 47° 15' 36" E., on the southwesterly line of said Block Fourteen (14) a distance of 1,402.944 feet to a point on the northwesterly line of East Eleventh Street as now laid out and established; thence along the said line of East Eleventh Street N. 42° 44' 24" E., a distance of two hundred twenty (220) feet to a point; thence N. 47° 15' 36" W., parallel to the southwesterly line of said Block Fourteen (14) a distance of 202.944 feet to a point; thence S. 42° 44' 24" W., parallel to the northwesterly line of East Eleventh Street a distance of fifty (50) feet to a point; thence N. 47° 15' 36" W., parallel to the southwesterly line of said Block Fourteen (14) a distance of twelve hundred (1200) feet to the point of beginning, and containing 5.71 acres, more or less, all in Section 27, Township 21 North, Range 3 East, N.M. Pierce County, Washington.

Subject, however, to public utility easements.

It is further ORDERED that the return date in the above-entitled cause be, and it is hereby fixed as Monday the 4th day of October, 1943, at 1:45 o'clock P.M.  
DONE IN OPEN COURT this 31st day of August, 1943.

Abstract Examined by G. A. O.  
Date NOV 9 1944

CHARLES H. LEAVY  
United States District Judge

Presented by:

OLIVER MALM  
Special Attorney  
Department of Justice

The foregoing is a full, true and correct copy of the within instrument filed on Aug 21, 1943  
WITNESS my hand and official seal this 31st day

of August, 1943  
JUDSON W. SHOLLEY, Clerk  
Charles Barkman  
DEPUTY



ADDRESS REPLY TO  
"THE ATTORNEY GENERAL"  
AND REFER TO  
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE  
WASHINGTON, D. C. (25)

September 13, 1943

11/13/41-13  
F-5

PJT:HA  
33-49-405-3

Chief, Bureau of Yards and Docks  
Real Estate Division  
Department of the Navy  
Washington, D. C.

Dear Sir:

Reference—United States v. 47.83 acres of land in Pierce  
County Washington, and J. G. Dickson, Trustee, et al., Docket 483,  
expansion Seattle-Tacoma Shipbuilding Company Project.

No  
enclosure

Enclosed herewith for your files, you will find a certi-  
fied copy of the judgment on the declaration of taking entered  
in this proceeding on August 31, 1943, together with a receipt of  
the clerk of court for the sum of \$104,628.00 deposited as esti-  
mated just compensation.

A valid title to the land and estate described in the  
judgment on the declaration of taking vested in the United States  
of America on August 31, 1943.

Respectfully,  
For the Attorney General

Enclosure rec'd  
separately 9/16/43  
AMM

*Edward Williams*  
J. EDWARD WILLIAMS  
Acting Head, Lands Division

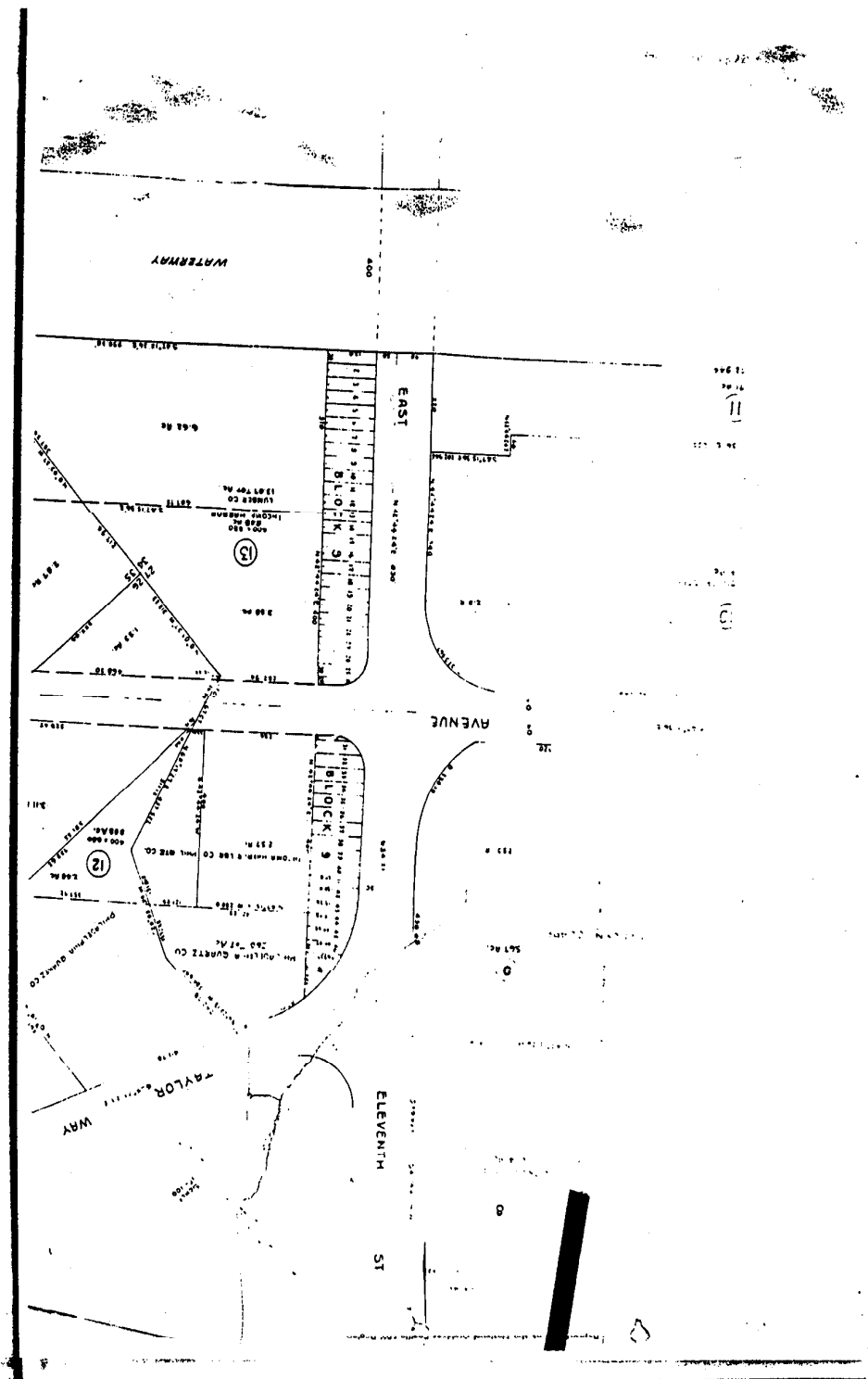
Enclosure No. 878686



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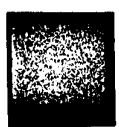
Docket Out





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IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Petitioner,

v.

47.83 Acres of Land in Pierce  
County, State of Washington, and  
J. G. Dickson, Trustee, et al.,  
Respondents.

No. 483

JUDGMENT AND ORDER TO  
PAY FUNDS ON  
PARCEL NO. 8

*Filed Sept. 18, 1943*

This matter coming on regularly for hearing this day on the petition of the respondents, George Babare and Mary Babare, husband and wife, to withdraw 80% of the sum of Thirty Thousand (\$30,000) Dollars heretofore deposited with the Clerk of this Court by the United States of America, as estimated just compensation for the taking of the real property designated in the petition for condemnation and the Declaration of Taking as Parcel No. 8, and hereinafter more fully described, and said respondents, by the filing of their petition have appeared herein, having consented to the jurisdiction of this Court, having waived notice of hearing, and the Court having considered said petition, and the Court being generally duly advised in the premises, now, therefore, it is hereby

ORDERED AND ADJUDGED that the Clerk of this Court pay the sum of Twenty-four Thousand (\$24,000) Dollars from and out of the sum of Thirty Thousand (\$30,000) Dollars heretofore deposited with the Clerk as just compensation for the taking of the following described property by the United States, to George Babare and Mary Babare, husband and wife, and to the County Treasurer of Pierce County, Washington, said property being more particularly described as follows:

(32)

Parcel No.8:

Beginning at a point which is the most southerly corner of Block 6 "A" of the State Land Commissioner's Replat of Blocks 13 to 48 inclusive of Tacoma Tide Lands (formerly in King County) filed under date of December 23, 1918, commonly and generally referred to as the "Ashton Replat" said point being on the northwesterly boundary line of the highway designated on the records of Pierce County as "South Eleventh Street", thence running S 42° 44' 24" W along said boundary, 539.923 feet; thence N. 47° 15' 36" W., 456 feet to the southeasterly boundary of a certain 14.46 acre tract owned by Evelyn Clapp; thence N. 42° 44' 24" E., 595.095 feet to the Hylebos Creek waterway thence S. 69° 23' E. 233.167 feet to the northerly corner of said Lot 6 "A"; thence S. 42° 44' 24" W., 140.982 feet to the westerly corner of said Lot 6 "A"; thence S. 47° 15' 36" E. 240 feet to the point of beginning, all in Sections 26 and 27, Township 21 North, Range 3 East, W.M., Pierce County, Washington, containing 6.14 Acres, more or less.

It is further ordered that from said Twenty-four Thousand (\$24,000) Dollars the Clerk forthwith pay to the County Treasurer of Pierce County, Washington, \$7001.90 for taxes upon such real property to date, and to pay the balance of said Twenty-four Thousand (\$24,000) Dollars to the said George Babare and Mary Babare, husband and wife, or to their attorney.

IT IS FURTHER ORDERED that the payment of said 80% of said deposit as aforesaid, shall have no effect upon the rights either of said respondents, George Babare and Mary Babare, husband and wife, or the United States of America herein, and that said respondents and the United States of America shall have and retain all of the original rights to trial for the purpose of determining the amount of the ultimate award to be rendered herein upon the trial of said action.

DONE IN OPEN COURT this 18th day of September, 1943.

Presented by:  
s/ L. E. Sulgrove  
Attorney for Respondents,  
George Babare and Mary Babare.

s/ CHARLES H. LEAVY  
United States District Judge

Approved as to form:

s/ Oliver Malm  
Special Attorney  
Department of Justice

The foregoing is a full, true and correct copy of the within instrument  
WITNESS my hand and official seal this 20th day of September 1943  
JUDITH W. STEPHENSON, Clerk  
By: *Charles H. Leavy*  
DEPUTY

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HIK:ad

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Petitioner,

v.

47.85 Acres of Land, more or  
less, situate in Pierce County,  
State of Washington; and  
J. O. Dickson, et al.,

GEORGE BABARE and MARY BABARE,  
husband and wife,

respondents.

No. <sup>453</sup> 450

JUDGMENT AND ORDER  
TO PAY FUNDS AND FOR A  
DEFICIENCY JUDGMENT

PARCEL No. 8

*Filed Jan. 22/44*

This matter coming on regularly for hearing this day on the stipulation herein by and between the petitioner, United States of America, and respondents George Babare (named in the Declaration of Taking as George Barbare), and Mary Babare, husband and wife, by and through their attorney of record, petitioning for the withdrawal of the balance on deposit in the registry of the Court for Parcel No. 8, to-wit, \$6,000.00, and for a deficiency judgment in the sum of \$17,500.00 without interest; and said respondents having appeared herein, having consented to the jurisdiction of this Court and having waived notice of hearing, and having agreed by said stipulation to accept the sum of \$47,500.00 as full settlement of all claims against the United States of America for and as final award of just compensation for the taking of said Parcel No. 8, and the Court having considered the proof offered as to the rights of said respondents to the sum claimed and as to the fair and reasonable value of the property so taken; and it appearing to the Court that said respondents, George Babare and Mary Babare, husband and wife, have previously withdrawn

505558

(63)

1 the sum of \$24,000.00 from the registry of the Court as  
2 partial payment of the final award of just compensation  
3 for the taking of Parcel No. 8, leaving the sum of \$6,000.00  
4 in the registry of the Court until further order; and  
5 it further appearing to the Court that the United States of  
6 America, petitioner, and said respondents George Babare and  
7 Mary Babare, husband and wife, have entered into an agreement  
8 wherein the Government has agreed to pay and the respondent  
9 has agreed to accept the total sum of \$47,500.00 as full and  
10 just compensation for the taking of said property, and said  
11 sum appearing to the Court to be the reasonable value of  
12 said property and just compensation for the taking thereof;  
13 and it further appearing that the original deposit with the  
14 Clerk of the Court was the sum of \$30,000.00; and it  
15 further appearing that the total sum for the taking of said  
16 property as agreed upon, to-wit, \$47,500.00 is in excess  
17 of the amount deposited by the United States of America as  
18 just compensation for the taking of said Parcel No. 8;  
19 that the Attorney General of the United States has authorized  
20 a deficiency judgment in the amount of said excess, to-wit,  
21 \$17,500.00 without interest; and the Court being generally  
22 duly advised in the premises; now, therefore, it is hereby  
23

24 ORDERED, ADJUDGED and DECREED that the Clerk of  
25 this Court be and he is hereby directed to pay the balance  
26 on deposit in the registry of the Court, to-wit: \$6,000.00,  
27 to the respondents, George Babare and Mary Babare, husband  
28 and wife, and it is further

29 ORDERED, ADJUDGED and DECREED that respondents  
30 George Babare and Mary Babare, husband and wife, has and  
31 hereby recover of and from the petitioner, United States  
32 of America, a deficiency judgment in the sum of \$17,500.00  
without interest; and it is further

ORDERED, ADJUDGED and DECREED that said sum of \$47,800.00 is just compensation for the taking of said Parcel No. 8, more particularly described as follows:

Parcel No. 8:

Beginning at a point which is the most southerly corner of Block 6 "A" of the State Land Commissioner's Replat of Blocks 13 to 48 inclusive of Tacoma Tide Lands (formerly in King County) filed under date of December 23, 1918, commonly and generally referred to as the "Ashton Repat" said point being on the northwesterly boundary line of the highway designated on the records of Pierce County as "South Eleventh Street", thence running S 42° 44' 24" W along said boundary, 839.925 feet; thence N. 47° 15' 36" W., 486 feet to the southeasterly boundary of a certain 14.46 acre tract owned by Evelyn Clapp; thence N. 42° 44' 24" E., 595.095 feet to the Hylabos Creek waterway; thence S. 69° 23' E. 253.167 feet to the northerly corner of said Lot 6 "A"; thence S. 42° 44' 24" W., 140.983 feet to the westerly corner of said Lot 6 "A"; thence S. 47° 15' 36" E. 240 feet to the point of beginning, all in Sections 26 and 27, Township 21 North, Range 3 East, W.M., Pierce County, Washington, containing 6.14 acres, more or less,

and that payment of said sum shall constitute payment of all claims for damages resulting to the respondents above-named for the taking by condemnation of said real property.

DONE IN OPEN COURT this 22 day of January, 1944.

CHARLES H. LEAVY  
United States District Judge

Presented by:

Harold L. Steen  
Special Attorney  
Department of Justice

Approved:

RESLEYA. MORGROVE  
Attorney for respondents,  
George Babare and Mary Babare,  
husband and wife.

The foregoing is a full, true and correct copy of the within instrument

WITNESSED and signed on and at this 22nd day of January, 1944

Chas. H. Leavy  
CLERK OF COURT  
DEPUTY





Office of the Attorney General  
Washington, D.C.

ND 13 / NI-13  
F-5

March 23, 1944

5  
MAR 28 11 AM

Honorable Frank Knox  
Secretary of the Navy  
Washington, D. C.

Y+D



My dear Mr. Secretary:

I have examined the enclosed final title certificate and certified copy of final judgment entered February 21, 1944, for Parcel No. 8 in the condemnation proceeding entitled United States v. 47.83 acres in Pierce County, Washington, and J. G. Dickson, Trustee, et al., No. 483 in the District Court of the United States for the Western District of Washington, Southern Division, instituted in accordance with the request of your Department to acquire certain land for use in connection with the expansion of Seattle-Tacoma Shipbuilding Company Facilities.

The Department advised in a letter dated February 15, 1944, that upon the deposit of \$17,500.00, the amount of the deficiency judgment, the condemnation proceeding with respect to this parcel would be brought to a satisfactory conclusion. There is enclosed herewith a receipt of the Clerk of the Court for the deficiency deposit. The total compensation for this parcel was the sum of \$47,500.00.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

From my examination of the enclosed papers and those previously forwarded to your Department, I am of the opinion that the condemnation proceeding has been regularly conducted and brought to a satisfactory conclusion with respect to Parcel No. 8. A valid title to the land, more particularly described in the deficiency judgment, is now vested in the United States of America.

Respectfully,

No. 44-72-TA  
535086

Francis Biddle  
Attorney General

PM - Seattle - Tacoma Ship Bldg.  
24 w/ documents Co.

DONE IN OPEN COURT this 21ST day of February, 1944.



IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Petitioner

v.

47.83 acres of land in Pierce County,  
Washington, and J. G. Dickson, Trustee  
et al.,

Respondents

FINAL PARTIAL  
TRANSCRIPT

NO. 483

Parcel 8

33-49-405-3

DONE IN OPEN COURT this 21ST day of February, 1944.

NIK:bjk

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

vs.

47.83 Acres of Land in Pierce  
County, State of Washington and  
J. G. DICKSON, TRUSTEE, et al.,  
and

GEORGE BABARE and MARY BABARE,  
husband and wife;

Respondents.

DOCKET NO. 483

FINAL JUDGMENT  
AND ORDER DIRECTING  
CLERK TO PAY DEFICIENCY  
JUDGMENT FOR PARCEL NO. 8.

(Filed Feb 21, 1944)

This matter coming on regularly for hearing this day and it  
appearing to the Court that on January 22, 1944 deficiency judgment in  
the sum of Seventeen Thousand Five Hundred (\$17,500.00) Dollars without  
interest was entered herein in favor of George Babare and Mary Babare,  
husband and wife, against the United States of America on account of  
the taking of Parcel No. 8, therein described, and it further appearing to  
the Court that on February 21, 1944 the sum of Seventeen Thousand Five  
Hundred (\$17,500.00) Dollars was deposited by the United States of America  
in the registry of this Court for and on account of said deficiency  
judgment, and the Court being generally duly advised in the premises,  
now, therefore, it is hereby,

ORDERED that the Clerk of this Court be and he is hereby authorized  
and directed to pay to George Babare and Mary Babare, husband and wife,  
the sum of Seventeen Thousand Five Hundred (\$17,500.00) Dollars in full  
payment and satisfaction of said deficiency judgment.

It is further ORDERED that payment of said deficiency judgment shall  
and does constitute full settlement of all claims against the United  
States of America for the taking of said Parcel No. 8, the property des-  
cribed in said judgment of January 22, 1944.

DONE IN OPEN COURT this 21ST day of February, 1944.

CHARLES H. LEAVY  
United States District Judge

Presented by:

Anthony L. Stella  
Special Attorney  
Department of Justice

The foregoing is a true and correct copy  
of the within instrument  
WITNESS my hand and official seal this 2nd  
day of March 1944  
J. G. DICKSON, Trustee  
By Charles H. Leavy  
Clerk

Approved and  
Signed by S. A. J.  
Nov 9 1944  
Date

1900, PRESIDENT

K. A. ROEGNER, VICE PRESIDENT

STEWART E. PERRY, SECRETARY

## Commonwealth Title Insurance Company

CAPITAL \$175,000  
\$75,000 GUARANTY FUND DEPOSITED WITH STATE TREASURER  
All Title Insurance Policies issued by this Company are Reinsured by  
**Washington Title Insurance Company**  
Capital \$1,350,000. \$300,000 Guaranty Fund deposited with State Treasurer

W. R. RUST BUILDING  
TACOMA, WASHINGTON

January 21, 1944

No. 30220-8

Cause No. 483

### SUPPLEMENTAL REPORT

Department of Justice  
Lands Division  
Tacoma, Washington

Gentlemen:

In the matter of your application for a guaranteed Certificate of Title you are advised that the records show no change since the effective date of our preliminary report dated June 8, 1943, except:

The record title to the premises described in said preliminary report is now vested in UNITED STATES OF AMERICA, subject further to the following:

1. The matter noted in paragraph 3 of said preliminary report.

NOTE: The taxes noted in paragraph 1 of said preliminary report have been paid and the matters noted in paragraphs 2 and 4 may now be disregarded.

Records examined to January 13, 1944, at 8 a.m.

COMMONWEALTH TITLE INSURANCE COMPANY

By

*Willis C. Widgred*

Assistant Secretary

RJM

Abstract Examined by  
NOV 9 1944  
Date

250

# Commonwealth Title Insurance Company

W. R. RUST BUILDING  
TACOMA, WASHINGTON

## CERTIFICATE OF TITLE

No. 30220-8

Cause No. 483

To THE UNITED STATES OF AMERICA:

The COMMONWEALTH TITLE INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Washington, with its principal office in the City of Tacoma, hereby certifies that from its examination of the title to the real estate described in SCHEDULE A hereof, as of the 18th day of September, 1943, at 8:00 o'clock A.M., the title to the said described real estate was indefeasibly vested in fee simple of record in:

UNITED STATES OF AMERICA,

subject only to the objections, liens, charges, encumbrances and other matters shown under SCHEDULE B hereof.

The maximum liability of the undersigned under this certificate is limited to the sum of

FORTY-SEVEN THOUSAND FIVE HUNDRED and No/100 --- DOLLARS (\$47,500.00)

This certificate of title is made in consideration of the payment of the premium by the applicant and for its use and that of its immediate vendor.

IN WITNESS WHEREOF the said Company has caused its corporate seal to be hereto affixed and these presents to be duly signed in accordance with its by-laws.

Commonwealth Title Insurance Company

*Harvey Fogg* President  
*James E. Perry* Assistant Secretary

FOR VALUE, Washington Title Insurance Company, a Washington corporation, does hereby guarantee the foregoing certificate of title, this guaranty being for the direct benefit of both the issuing company and the parties for whose use it is issued.

WASHINGTON TITLE INSURANCE COMPANY

*L. S. Booth* President  
*William C. Cargill* Assistant Secretary

535086

Form P107

**SCHEDULE A**

Being the legal description of the real estate covered by this certificate.

The following described parcels of real estate:

**IN THE COUNTY OF PIERCE, STATE OF WASHINGTON**

Beginning at a point which is the most southerly corner of Block 6 "A" of the State Land Commissioner's Replat of Blocks 13 to 48, inclusive, of Tacoma Tide Lands (formerly in King County), filed under date of December 23, 1918, commonly and generally referred to as the "Ashton Replat" said point being on the north-westerly boundary line of the highway designated on the records of Pierce County, as "South Eleventh Street", thence running south  $42^{\circ}44'24''$  west along said boundary 539.923 feet; thence north  $47^{\circ}15'36''$  west 456 feet to the southeasterly boundary of a certain 14.46 acre tract owned by Evelyn Clapp; thence north  $42^{\circ}44'24''$  east 593.095 feet to the Hylebos Waterway; thence south  $69^{\circ}23'$  east 233.167 feet to the northeasterly corner of said Lot 6 "A"; thence south  $42^{\circ}44'24''$  west 140.982 feet to the westerly corner of said Lot 6 "A"; thence south  $47^{\circ}15'36''$  east 240 feet to the point of beginning, all in Sections Twenty-six (26) and Twenty-seven (27), Township Twenty-one (21) North, Range Three (3) East of the Willamette Meridian.

(G.14A)

Form P108

### **SCHEDULE B**

Being all of the estates, interests, equities, lawful claims, or demands, defects, or objections whatsoever to title; and all easements, restrictions, liens, charges, taxes (general, special, or inheritance or assessments of whatever nature), or encumbrances; and all other matters whatsoever affecting said premises, or the estate, right, title or interest of the record owners, which now do exist of record; or which otherwise may be known actually to exist, but which may not be of record.

- ✓ 1. Easement granted to Puget Sound Power & Light Company to construct, erect, operate and maintain an electric transmission and distribution line over and across said premises by instrument recorded December 5, 1928, under Auditor's Fee No. 927959, records of Pierce County, Washington.

(End of Schedule B)

ADDRESS REPLY TO  
"THE ATTORNEY GENERAL"  
AND REFER TO  
INITIALS AND NUMBER

RJL-HA

33-49-405-3

DEPARTMENT OF JUSTICE  
WASHINGTON 25, D. C.

December 23, 1943

D13/N1-13  
F-5

Chief  
Bureau of Yards and Docks  
Real Estate Division  
Department of the Navy  
Washington, D. C.

Dear Sir:

Reference - United States v. 47.83 acres of land  
in Pierce County, Washington, and J. G. Dickson, Trustee,  
et al., No. 483, expansion of Seattle-Tacoma Shipbuilding  
Company facilities.

Parcel 8-A has been stricken from the trial  
calendar in accordance with your request of November 27,  
1943.

It will be appreciated if you will advise the  
Department as soon as negotiations have been consummated  
with respect to this parcel, so that it may be dismissed  
from the condemnation proceeding.

Respectfully,  
For the Attorney General

*Norman M. Littell*  
NORMAN M. LITTELL  
Assistant Attorney General



EH

466169

*Answered by Staal  
1/3/44 to Justice*

*Do not use*

(36)



ND13/N1-13  
F-5-3/RAG:ms  
G49-72-Ta

DEC 28 1943

The Honorable  
The Attorney General

Sir:

Reference is made to the condemnation proceeding entitled United States v. 47.63 acres of land in Pierce County, Washington; J. C. Dickson, et al., Civil 483.

Through inadvertence, the description of Parcel 10 in the Declaration of Taking was in error. Line 11 should read "South 42° . . ." instead of "South 46° . . ." It is requested, therefore, that this correction be made in the description contained in the Declaration of Taking and in the complaint in condemnation.

Very truly yours,

James Forrestal  
Acting

RAG

Real Estate File

37

BUREAU OF YARDS AND DOCKS

ND13

MEMORANDUM

CL 9-72-Ta

December 21, 1943

From: F-5-3

141

To: Map Section

Subj: U.S. v. 47.83 acres of land in  
Pierce County, Washington;  
J. G. Dickson, et al., Civil 483

The Department of Justice has reported  
that line 11 of the description of Parcel 10  
in the Declaration of Taking should read  
"South 42 degrees...." instead of "South  
48 degrees...." S 42° 44' 24" W. 515

Your immediate check of this correction will  
be appreciated.

PAG

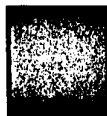
Ens. Gustafson

ms

This description was not written in this  
office.

*Can't it be checked on the*  
*map? R.A.G.* <sup>H.D.</sup>

RECEIVED 5 JAN 5 1944



ADDRESS REPLY TO  
"THE ATTORNEY GENERAL"  
AND REFER TO  
DETAILS AND NUMBER

DEPARTMENT OF JUSTICE  
WASHINGTON 25, D. C.

R.JL:HA

33-49-405-3

February 1, 1944

WD 13/NI-13  
4-5

Chief, Bureau of Yards and Docks  
Real Estate Division  
Department of the Navy  
Washington, D. C.

Dear Sir:

Reference - United States v. 47.83 acres in Pierce  
County, Washington, and J. G. Dickson, Trustee, et al.,  
Docket No. 483, expansion of Seattle-Tacoma Shipbuilding  
Company facilities.

Enclosed herewith for your files you will find a  
certified copy of Order to Amend Declaration of Taking as to  
Parcel 10 and subsequent pleadings, in accordance with the  
Acting Secretary's request of December 28, 1943.

Respectfully,  
For the Attorney General,

*Norman M. Littell*  
NORMAN M. LITTELL,  
Assistant Attorney General

Enclosure  
No. 166180



432027

L.E.B.

EX-100	
No. C49-72-TA	
CLASS	
RALP	
File	(38)

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

No. 483

ORDER TO AMEND DECLARATION  
OF TAKING AS TO PARCEL 10

47.83 Acres of Land in  
Pierce County, Washington,  
and  
J. G. DICKSON, TRUSTEE,  
et al.

The foregoing is a full, true and correct copy of  
the within instrument of filed 1/10/44  
WITNESS my hand and seal this 11th day

Respondents

Jan 10 1944  
JUDSON S. RITT, Clerk

DEPUTY

This matter having come on for hearing on the motion  
of the petitioner, United States of America, for an order  
directing the Clerk of this Court to correct by interlineation  
a certain error which appears in the description of the  
real property designated in the declaration of taking as  
Parcel No. 10, and which description appears in all subsequent  
pleadings herein, and the Court having read the affidavit  
of Henry I. Kyle and having examined the records and files  
herein and being duly advised in the premises; now, there-  
fore, it is hereby

ORDERED that the Clerk of this Court be and he is  
hereby directed to cause said error to be corrected by  
interlineation in the declaration of taking and in all  
subsequent pleadings where said error occurs in the above-  
entitled action, in accordance with the request of James  
Forrestal, Acting Secretary of the Navy, as appears in his  
letter of December 28, 1943, copy of which letter is on  
file herein.

FILED 5 PM 5 00  
DONE IN OPEN COURT this 10th day of January, 1944.

Presented MYA DEB  
BY H & D

HENRY I. KYLE

Special Attorney

Department of Justice

CHARLES H. LEAVY  
United States District Judge



Office of the Attorney General  
Washington, D.C.

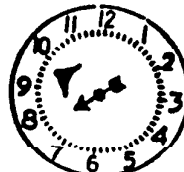
January 31, 1945

FEB 8 - 45 AM

RECEIVED

FEB 7 10 00 AM '45

OFFICE OF THE  
SECRETARY OF THE NAVY



RECEIVED S82 8 44  
NAVY DEPARTMENT  
Secy's Office - Records Div

Honorable James V. Forrestal  
Secretary of the Navy  
Washington, D. C.

My dear Mr. Secretary:

I have examined the certificates of title and transcripts of record in the condemnation proceeding entitled United States of America v. 47.83 acres of land in Pierce County, Washington, and J. G. Dickson, Trustee, et al., Docket No. 483, in the United States District Court for the Western District of Washington, Southern Division, pertaining to the acquisition of certain parcels of land in Pierce County, Washington, designated as Parcels 10 and 11, 23.89 acres, for the Expansion of the Seattle-Tacoma Shipbuilding Corporation.

The land is more fully described in the copy of the judgment enclosed.

The certificates of title were prepared by the Washington Title Insurance Company, and are in satisfactory form.

In the final judgment, dated November 4, 1943, it is determined that the just compensation for the land is \$111,654.00, which amount was deposited into the registry of the court. The proceeding has been regularly conducted, the judgment is satisfied, and a fee simple title to the land has heretofore vested in the United States, subject to existing public utility easements.

Enclosed are the certificates of title, transcripts of record and related papers.

All encls. rec'd  
EXOS Mail Room

Respectfully,

*James V. Forrestal*  
Attorney General

PRINT

780288

No.	C49-72-TA
Index	<i>[Signature]</i>

730288

*[Handwritten]*

2171

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner

v.

7.83 Acres of Land in Pierce  
county, State of Washington and  
. G. Dickson, Trustee, et al.,

Respondents

Intermediate Partial  
TRANSCRIPT

NO. 483

Parcel

33-49-405-2

PI06-A

# Commonwealth Title Insurance Company

W. R. RUST BUILDING  
TACOMA, WASHINGTON

**PRELIMINARY  
CERTIFICATE OF TITLE  
No. 30220 - 10**

TO THE UNITED STATES OF AMERICA:

The COMMONWEALTH TITLE INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Washington, with its principal office in the City of Tacoma, hereby certifies that from its examination of the title to the real estate described in SCHEDULE A hereof, as of the **9th** day of **June, 1943**, at 8:00 o'clock A.M., the title to the said described real estate was indefeasibly vested in fee simple of record in:

**J. O. DICKSON, TRUSTEE,**

subject only to the objections, liens, charges, encumbrances and other matters shown under SCHEDULE B hereof.

The maximum liability of the undersigned under this certificate is limited to the sum of  
**TWO HUNDRED FIFTY and No/100 DOLLARS (\$250.00).**

This certificate of title is made in consideration of the payment of the premium by the applicant and for **its** use  
and that of **its** immediate vendor.

IN WITNESS WHEREOF the said Company has caused its corporate seal to be hereto affixed and these presents to be duly signed in accordance with its by-laws.

**Commonwealth Title Insurance Company**

*Harper Jogg* President  
*Stewart E. Perry* Assistant Secretary

FOR VALUE, Washington Title Insurance Company, a Washington corporation, does hereby guarantee the foregoing certificate of title, this guaranty being for the direct benefit of both the issuing company and the parties for whose use it is issued.

**WASHINGTON TITLE INSURANCE COMPANY**

*L. S. Booth* President  
*Walter C. Gifford* Assistant Secretary

**SCHEDULE A**

Being the legal description of the real estate covered by this certificate.

The following described parcels of real estate:

**IN THE COUNTY OF PIERCE, STATE OF WASHINGTON**

Beginning on the northeasterly line of Block Fourteen (14), State Land Commissioner's Replat of Blocks 13 to 48 inclusive of Tacoma Tide Lands (formerly in King County) filed under date of December 23, 1918, commonly referred to as Ashton's Replat, at a point 150 feet southeasterly of the northerly corner of said Block 14; thence parallel with the northwesterly line of said Block 14 south  $42^{\circ}44'24''$  west a distance of 180 feet; thence parallel with the southwesterly line of said Block 14 north  $47^{\circ}15'38''$  west a distance of 150 feet to the northwesterly line of said Block 14; thence south  $42^{\circ}44'24''$  west a distance of 400 feet; thence parallel with the southwesterly line of said Block 14 south  $47^{\circ}15'38''$  east a distance of 1200 feet; thence parallel with the southeasterly line of said Block 14 north  $42^{\circ}44'24''$  east a distance of 50 feet; thence parallel with the southwesterly line of said Block 14 north  $47^{\circ}15'38''$  east a distance of 202.944 feet to the northwesterly line of East Eleventh Street as now laid out and established; thence along said line of East Eleventh Street north  $42^{\circ}44'24''$  east a distance of 340 feet; thence on a curve to the left having a radius of 210 feet a distance of 329.867 feet to the end of said curve, said point being on the southwesterly line of Alexander Avenue as now laid out and established; thence along said line of Alexander Avenue north  $47^{\circ}15'38''$  west a distance of 1043.944 feet; thence south  $42^{\circ}44'24''$  west a distance of 20 feet to the point of beginning, all in Section Twenty-seven (27), Township Twenty-one (21) North, Range Three (3) East of the Willamette Meridian.

(18.18 AC)



**SCHEDULE B**

Being all of the estates, interests, equities, lawful claims, or demands, defects, or objections whatsoever to title; and all easements, restrictions, liens, charges, taxes (general, special, or inheritance or assessments of whatever nature), or encumbrances; and all other matters whatsoever affecting said premises, or the estate, right, title or interest of the record owners, which now do exist of record.

1. Option to purchase the within described property and other property as granted to Maxwell Petroleum Corporation in Supplement to Lease executed by James H. Ashton and said Corporation, recorded March 20, 1932, under Auditor's Fee No. 1229094, records of Pierce County, Washington.
2. Any unpaid charges for installation of water service and for water, electric light, power or sewer service furnished to said premises by the City of Tacoma.
3. Easement granted to Air Reduction Sales Company, a corporation, its successors and assigns, to construct, operate and maintain an eight-inch tile pipe line on and across a strip of land being the northwesterly 10 feet of Block 14, by instrument recorded May 1, 1942, under Auditor's Fee No. 1229034, records of said county.
4. Exceptions and reservations contained in deed from the State of Washington under which title is claimed, recorded under Auditor's Fee No. 783051, records of said county, whereby the grantor saves, excepts and reserves all oils, gases, coal, ores, minerals, fossils, etc., together with the right to enter upon said lands for the purpose of opening, developing and working mines, etc., provided that no rights shall be exercised under this reservation until provision has been made by the state, its successors or assigns, for full payment of all damages sustained by owner by reason of such entering.  
Right of the State of Washington, or any grantee or lessee thereof, to acquire the right of way over said premises for private railroads, skid roads, flumes, canals, water courses or other easements for the purpose of and to be used in the transportation and moving of timber, stone, minerals or other products from other lands, upon paying reasonable compensation therefor.
5. Title is vested in J. G. Dickson, Trustee, under conveyance from Cascade Timber Company dated December 29, 1942, and recorded January 7, 1943, under Auditor's Fee No. 1313127, records of said county.  
He should be furnished a copy of the Trust Agreement under which he holds the property, together with a certified copy of the resolution of the Cascade Timber Company authorizing the execution of this deed, and proof that the transaction is not fraudulent as to creditors of the grantor corporation.

(End of Schedule B)

106-A

# Commonwealth Title Insurance Company

W. R. RUST BUILDING  
TACOMA, WASHINGTON

**PRELIMINARY**

**CERTIFICATE OF TITLE**

**No. 30220-11**

To THE UNITED STATES OF AMERICA:

The COMMONWEALTH TITLE INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Washington, with its principal office in the City of Tacoma, hereby certifies that from its examination of the title to the real estate described in SCHEDULE A hereof, as of the **9th** day of **June, 1943**, at 8:00 o'clock A.M., the title to the said described real estate was indefeasibly vested in fee simple of record in:

**J. G. DICKSON, TRUSTEE,**

Subject only to the objections, liens, charges, encumbrances and other matters shown under SCHEDULE B hereof.

The maximum liability of the undersigned under this certificate is limited to the sum of  
**TWO HUNDRED FIFTY and No/100 DOLLARS (\$250.00).**

This certificate of title is made in consideration of the payment of the premium by the applicant and for **its** use  
and that of **its** immediate vendor.

IN WITNESS WHEREOF the said Company has caused its corporate seal to be hereto affixed and these presents to be duly signed in accordance with its by-laws.

**Commonwealth Title Insurance Company**

*Harper Fogg* President  
*Glenn E. Perry* Assistant Secretary

FOR VALUE, Washington Title Insurance Company, a Washington corporation, does hereby guarantee the foregoing certificate of title, this guaranty being for the direct benefit of both the issuing company and the parties for whose use it is issued.

**WASHINGTON TITLE INSURANCE COMPANY**

*L. S. Booth* President  
*Willis C. Crawford* Assistant Secretary

## **SCHEDULE A**

Being the legal description of the real estate covered by this certificate.

The following described parcels of real estate:

### **IN THE COUNTY OF PIERCE, STATE OF WASHINGTON**

Beginning at a point on the Northwestern line of Block fourteen (14), State Land Commissioner's Replat of Blocks thirteen (13) to forty-eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat, a distance of five hundred eighty feet southwesterly of the Northerly corner of said Block fourteen (14), said point being the true point of beginning; thence along the Northwestern line of said Block fourteen (14) south 42 degrees 44 minutes 24 seconds West a distance of 170 feet; thence south 47 degrees 15 minutes 36 seconds East on the Southwesterly line of said Block fourteen (14) a distance of 1,402.944 feet to a point on the Northwestern line of East Eleventh Street as now laid out and established; thence along the said line of East Eleventh Street North 42 degrees 44 minutes 24 seconds East a distance of 220 feet to a point; thence North 47 degrees 15 minutes 36 seconds West parallel to the Southwesterly line of said Block fourteen (14), a distance of 202.944 feet to a point; thence south 42 degrees 44 minutes 24 seconds West parallel to the Northwestern line of East Eleventh Street a distance of 50 feet to a point; thence North 47 degrees 15 minutes 36 seconds West parallel to the Southwesterly line of said Block fourteen (14) a distance of 1200 feet to the point of beginning, and containing 6.35 acres, more or less, all in Section twenty-seven (27), Township twenty-one (21) North, Range three (3) East of the Willamette Meridian.

P108

## **SCHEDULE B**

Being all of the estates, interests, equities, lawful claims, or demands, defects, or objections whatsoever to title; and all easements, restrictions, liens, charges, taxes (general, special, or inheritance or assessments of whatever nature), or encumbrances; and all other matters whatsoever affecting said premises, or the estate, right, title or interest of the record owners, which now do exist of record.

1. Option to purchase the within described property and other property as granted to Maxwell Petroleum Corporation in Supplement to Lease executed by James M. Ashton and said Corporation, recorded March 30, 1938, under Auditor's Fee No. 1229094, records of Pierce County, Washington.
2. Any unpaid charges for installation of water service and for water, electric light, power or sewer service furnished to said premises by the City of Tacoma.
3. Easement granted to Air Reduction Sales Company, a corporation, its successors and assigns, to construct, operate and maintain an eight-inch tile pipe line on and across a strip of land being the northwesterly 10 feet of Block 14, by instrument recorded May 1, 1942, under Auditor's Fee No. 1299034, records of said county.
4. Title is vested in J. G. Dickson, Trustee, under conveyance from Cascade Timber Company dated December 29, 1942, and recorded January 7, 1943, under Auditor's Fee No. 1313127, records of said county.

We should be furnished a copy of the Trust Agreement under which he holds the property, together with a certified copy of the resolution of the Cascade Timber Company authorizing the execution of this deed, and proof that the transaction is not fraudulent as to creditors of the grantor corporation.

(End of Schedule B)

FOGG, PRESIDENT

K. A. ROEGNER, VICE PRESIDENT

STEWART E. PERRY, SECRETARY

SECRETARY

# Commonwealth Title Insurance Company

CAPITAL \$175,000

\$75,000 GUARANTY FUND DEPOSITED WITH STATE TREASURER

All Title Insurance Policies issued by this Company are Reinsured by

**Washington Title Insurance Company**

Capital \$1,350,000. \$200,000 Guaranty Fund deposited with State Treasurer

Broadway 1281

W. R. RUST BUILDING

TACOMA, WASHINGTON

November 8, 1943

No. 30220-10

Cause #483  
*Inst No. 10*

## SUPPLEMENTAL REPORT

Department of Justice  
Lands Division  
Tacoma, Washington

Gentlemen:

In the matter of your application for a guaranteed Certificate of Title, you are advised that the records show no change since the effective date of our preliminary report dated June 9, 1943, except:

The record title to the premises described in said preliminary report is now vested in UNITED STATES OF AMERICA, subject further to the following:

1. The matters noted in paragraphs 3 and 4 of said preliminary report.

NOTE: The matters noted in paragraphs 1, 2 and 5 of said preliminary report may now be disregarded.

Records examined to November 1, 1943, at 8 a.m.

COMMONWEALTH TITLE INSURANCE COMPANY

By

*Willis C. Deafre*

Assistant Secretary

RJM

406

RACE FOGG, PRESIDENT

K. A. ROEGNER, VICE PRESIDENT

STEWART E. PERRY, SECRETARY

# Commonwealth Title Insurance Company

CAPITAL \$175,000

\$75,000 GUARANTY FUND DEPOSITED WITH STATE TREASURER

All Title Insurance Policies issued by this Company are Reinsured by

**Washington Title Insurance Company**

Capital \$1,350,000. \$300,000 Guaranty Fund deposited with State Treasurer

W. R. RUST BUILDING

TACOMA, WASHINGTON

November 8, 1943

No. 30220-11

Cause #483  
Trust No. 11

## SUPPLEMENTAL REPORT

Department of Justice  
Lands Division  
Tacoma, Washington

Gentlemen:

In the matter of your application for a guaranteed Certificate of Title, you are advised that the records show no change since the effective date of our preliminary report dated June 9, 1943, except:

The record title to the premises described in said preliminary report is now vested in UNITED STATES OF AMERICA, subject further to the following:

1. The matter noted in paragraph 3 of said preliminary report.

NOTE: The matters noted in paragraphs 1, 2 and 4 of said preliminary report may now be disregarded.

Records examined to November 1, 1943, at 8 a.m.

COMMONWEALTH TITLE INSURANCE COMPANY

By

*William C. Oeffel*

Assistant Secretary

RJM

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

v.

47.83 Acres of Land in Pierce  
County, Washington, and J. G.  
Dickson, et al.

Respondents.

FINAL PARTIAL

T R A N S C R I P T

NO. 483

Parcel s 10 and 11

33-49- 405-3

NON-DEFICIENCY

ORACE FOGG, PRESIDENT

K. A. ROEGNER, VICE PRESIDENT

STEWART E. PERRY, SECRETARY

# Commonwealth Title Insurance Company

CAPITAL \$175,000

\$75,000 GUARANTY FUND DEPOSITED WITH STATE TREASURER

All Title Insurance Policies issued by this Company are Reinsured by

**Washington Title Insurance Company**

Capital \$1,350,000. \$300,000 Guaranty Fund deposited with State Treasurer

W. R. RUST BUILDING

TACOMA, WASHINGTON

November 9, 1943

No. 30220-10

Cause #483

## CORRECTED SUPPLEMENTAL REPORT

Department of Justice  
Lands Division  
Tacoma, Washington

Gentlemen:

In the matter of your application for a guaranteed Certificate of Title, you are advised that the records show no change since the effective date of our preliminary report dated June 9, 1943, except:

The record title to the premises described in said preliminary report is now vested in UNITED STATES OF AMERICA, subject further to the following:

1. The matters noted in paragraphs 3 and 4 of said preliminary report.

NOTE: Paragraph 4 affects only that portion of the premises lying within the vacated southwesterly 20 feet of Alexander Avenue.

NOTE: The matters noted in paragraphs 1, 2 and 5, of said preliminary report may now be disregarded.

Records examined to November 1, 1943, at 8 a.m.

COMMONWEALTH TITLE INSURANCE COMPANY

By

*William C. O'Leary*

Assistant Secretary

RJM



# Commonwealth Title Insurance Company

W. R. RUST BUILDING  
TACOMA, WASHINGTON

## CERTIFICATE OF TITLE,

No. 30220-10  
30220-11

Cause No. 483

To THE UNITED STATES OF AMERICA:

The COMMONWEALTH TITLE INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Washington, with its principal office in the City of Tacoma, hereby certifies that from its examination of the title to the real estate described in SCHEDULE A hereof, as of the 3rd day of September, 1943, at 8:00 o'clock A.M., the title to the said described real estate was indefeasibly vested in fee simple of record in:

UNITED STATES OF AMERICA,

subject only to the objections, liens, charges, encumbrances and other matters shown under SCHEDULE B hereof.

The maximum liability of the undersigned under this certificate is limited to the sum of **ONE HUNDRED ELEVEN THOUSAND SIX HUNDRED FIFTY-FOUR and No/100 - - - - - DOLLARS. (\$111,654.00)**

This certificate of title is made in consideration of the payment of the premium by the applicant and for **its** use and that of **its** immediate vendor.

IN WITNESS WHEREOF the said Company has caused its corporate seal to be hereto affixed and these presents to be duly signed in accordance with its by-laws.

**Commonwealth Title Insurance Company**

*Hope E. Fogg* President  
*James E. Henry* Assistant Secretary

FOR VALUE, Washington Title Insurance Company, a Washington corporation, does hereby guarantee the foregoing certificate of title, this guaranty being for the direct benefit of both the issuing company and the parties for whose use it is issued.

**Washington Title Insurance Company**

*L. S. Booth* President  
*Walter C. O'Grady* Assistant Secretary

**SCHEDULE A**

Being the legal description of the real estate covered by this certificate.

The following described parcels of real estate:

**IN THE COUNTY OF PIERCE, STATE OF WASHINGTON**

Beginning on the northeasterly line of Block Fourteen (14), State Land Commissioner's Replat of Blocks 13 to 48, inclusive, of Tacoma Tide Lands (formerly in King County) filed under date of December 23, 1918, commonly referred to as Ashton's Replat, at a point 150 feet southeasterly of the northerly corner of said Block 14; thence parallel with the northwesterly line of said Block 14 south  $42^{\circ}44'24''$  west a distance of 180 feet; thence parallel with the southwesterly line of said Block 14 north  $47^{\circ}15'36''$  west a distance of 150 feet to the northwesterly line of said Block 14; thence south  $42^{\circ}44'24''$  west a distance of 400 feet; thence parallel with the southwesterly line of said Block 14 south  $47^{\circ}15'36''$  east a distance of 1200 feet; thence parallel with the southeasterly line of said Block 14 north  $42^{\circ}44'24''$  east a distance of 50 feet; thence parallel with the southwesterly line of said Block 14 south  $47^{\circ}15'36''$  east a distance of 202.944 feet to the northwesterly line of East Eleventh Street as now laid out and established; thence along said line of East Eleventh Street north  $42^{\circ}44'24''$  east a distance of 340 feet; thence on a curve to the left having a radius of 210 feet a distance of 329.867 feet to the end of said curve, said point being on the southwesterly line of Alexander Avenue as now laid out and established; thence along said line of Alexander Avenue north  $47^{\circ}15'36''$  west a distance of 1042.944 feet; thence south  $42^{\circ}44'24''$  west a distance of 20 feet to the point of beginning, all in Section Twenty-seven (27), Township Twenty-one (21) North, Range Three (3) East of the Willamette Meridian.

Beginning at a point on the northwesterly line of Block 14, State Land Commissioner's Replat of Blocks 13 to 48, inclusive, of Tacoma Tide Lands (formerly in King County), commonly referred to as Ashton's Replat, a distance of 580 feet southwesterly of the northerly corner of said Block 14, said point being the true point of beginning; thence along the northwesterly line of said Block 14 south  $42^{\circ}44'24''$  west a distance of 170 feet; thence south  $47^{\circ}15'36''$  east on the southwesterly line of said Block 14 a distance of 1402.944 feet to a point on the northwesterly line of East Eleventh Street as now laid out and established; thence along the said line of East Eleventh Street north  $42^{\circ}44'24''$  east a distance of 220 feet to a point; thence north  $47^{\circ}15'36''$  west parallel to the southwesterly line of said Block 14 a distance of 202.944 feet to a point; thence south  $42^{\circ}44'24''$  west parallel to the northwesterly line of East Eleventh Street a distance of 50 feet to a point; thence north  $47^{\circ}15'36''$  west parallel to the southwesterly line of said Block 14 a distance of 1200 feet to the point of beginning, all in Section 27, Township 21 North, Range 3 East of Willamette Meridian.

**SCHEDULE B**

Being all of the estates, interests, equities, lawful claims, or demands, defects, or objections whatsoever to title; and all easements, restrictions, liens, charges, taxes (general, special, or inheritance or assessments of whatever nature), or encumbrances; and all other matters whatsoever affecting said premises, or the estate, right, title or interest of the record owners, which now do exist of record.

1. Easement granted to Air Reduction Sales Company, a corporation, its successors and assigns, to construct, operate and maintain an eight-inch tile pipe line on and across a strip of land being the northwesterly ten (10) feet of Block 14, by instrument recorded May 1, 1942, under Auditor's Fee No. 1299034, records of Pierce County, Washington.

(End of Schedule B)

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Petitioner,

-VS-

47.83 acres of Land in  
Pierce County, Washington  
and J. G. DICKSON, Trustee;  
et al.,

Respondents.

DOCKET NO. 433

JUDGMENT AND ORDER TO PAY  
FUNDS AND GRANTING A DEFICIENCY  
JUDGMENT ON PARCELS NO. 10 & 11

*Filed Nov. 4, 1943*

-----

This matter coming on regularly for hearing on the petition of the respondent, J. G. Dickson, Trustee, to withdraw the balance now on deposit with the Clerk of this Court, being the sum of Twelve Thousand Nine Hundred Seventy-eight (\$12,978.00) Dollars remaining from the original amount of Sixty-nine Thousand Nine Hundred Seventy-eight (\$69,978.00) Dollars which was deposited with the Clerk of this Court by the United States of America as estimated just compensation for the taking of the real property designated in the petition for condemnation and the declaration of taking herein as Parcels No. 10 and 11 and hereinafter more fully described and for a deficiency judgment in the sum of Forty-one Thousand Six Hundred Seventy-six (\$41,676.00) Dollars, that deficiency to bear interest at six per cent per annum only on and after December 1, 1943 until paid, and said respondent, by the filing of his petition having appeared herein, having consented to the jurisdiction of this Court, having waived notice of hearing, and having agreed to accept the sum of <sup>One Hundred</sup> Eleven Thousand Six Hundred Fifty-four (\$11,654.00) Dollars as full settlement of all claims against the United States of America for, and as a final award of just compensation for the taking of said real property and the Court having considered said petition and having considered the proof offered as to the rights of said petitioner to the sum claimed and to the fair and reasonable value of the property

780288

1 so taken, and the Court being generally duly advised in the  
2 premises now, therefore, it is hereby

3 ORDERED, ADJUDGED and DECREED that the Clerk of this Court  
4 pay the sum of Twelve Thousand Nine Hundred Seventy-eight  
5 (\$12,978.00) Dollars to J. G. Dickson, Trustee, that sum being the  
6 amount remaining on deposit with the Clerk of this Court from the  
7 total amount of Sixty-nine Thousand Nine Hundred Seventy-eight  
8 (\$69,978.00) Dollars originally deposited with the Clerk as just  
9 compensation for the taking of said property by the United States  
10 of America.

11 It is further ORDERED, ADJUDGED and DECREED that J. G.  
12 Dickson, Trustee, shall have and hereby recovers of and from the  
13 petitioner, United States of America, a deficiency judgment in the  
14 sum of Forty-one Thousand Six Hundred Seventy-six (\$41,676.00)  
15 Dollars which said judgment shall not bear interest prior to  
16 December 3<sup>rd</sup>, 1943, but which shall bear interest at the rate of  
17 six per cent per annum from and after December 3<sup>rd</sup>, 1943 until paid.  
18

19 ~~It is further ORDERED, ADJUDGED and DECREED that the said~~  
20 ~~deficiency: to wit, Forty-one Thousand Six Hundred Seventy-six~~  
21 ~~(\$41,676.00) Dollars together with any interest thereon, upon~~  
22 ~~deposit in the registry of this Court, shall be paid by the Clerk~~  
23 ~~of this Court and he is hereby directed to pay said amount to J. G.~~  
24 ~~Dickson, Trustee.~~

25 It is further ORDERED, ADJUDGED and DECREED that the  
26 payment of the sum of Fifty-seven Thousand (\$57,000.00) Dollars  
27 heretofore made by the Clerk to J. G. Dickson, Trustee, together  
28 with balance of Twelve Thousand Nine Hundred Seventy-eight  
29 (\$12,978.00) Dollars and together with said deficiency judgment as  
30 hereinabove set forth shall constitute full settlement of all  
31 claims against the United States of America and the final award of  
32 just compensation for the taking of the real estate situate in  
Pierce County, State of Washington and more particularly described

as follows:

Parcel 10:

Beginning at the point of intersection of the southwesterly line of Alexander Avenue, and the northeasterly extension of a line parallel to and 150 feet southeasterly from the northwesterly line of Block Fourteen (14), State Land Commissioner's Replat of Blocks Thirteen (13) to Forty-eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat; thence parallel with the northwesterly line of said Block Fourteen (14) S.  $48^{\circ} 44' 24''$  W. a distance of Two Hundred (200) feet; thence parallel with the southwesterly line of said Block Fourteen (14) N.  $47^{\circ} 15' 36''$  E., a distance of one hundred fifty (150) feet to the northwesterly line of said Block Fourteen (14) S.  $48^{\circ} 44' 24''$  W., a distance of four hundred (400) feet; thence parallel with the southwesterly line of said Block Fourteen (14) S.  $47^{\circ} 15' 36''$  E., a distance of twelve hundred (1200) feet; thence parallel with the southeasterly line of said Block Fourteen (14) N.  $42^{\circ} 44' 24''$  E., a distance of fifty (50) feet; thence parallel with the southwesterly line of said Block Fourteen (14) S.  $47^{\circ} 15' 36''$  E., a distance of 202.944 feet to the northwesterly line of East Eleventh Street as now laid out and established; thence along said line of East Eleventh Street N.  $42^{\circ} 44' 24''$  E., a distance of three hundred forty (340) feet; thence on a curve to the left having a radius of two hundred ten (210) feet a distance of 329.867 feet to the end of said curve, said point being on the southwesterly line of Alexander Avenue as now laid out and established; thence along said line of Alexander Avenue N.  $47^{\circ} 15' 36''$  E., a distance of 1042.944 feet to the point of beginning; and containing 18.18 acres, more or less, all in Section 27, Township 21 North, Range 3 East, W.M., Pierce County, Washington.

Parcel 11:

Beginning at a point on the northwesterly line of Block Fourteen (14) State Land Commissioner's Replat of Blocks Thirteen (13) to Forty-Eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington commonly referred to as Ashton's Replat, a distance of Six Hundred (600) feet southwesterly from the point of intersection of the northeasterly extension of said northwesterly line of Block Fourteen (14) and the southwesterly line of Alexander Avenue, said point being the true point of beginning; thence along the northwesterly line of said Block Fourteen (14) S.  $48^{\circ} 44' 24''$  W., a distance of one hundred seventy (170) feet; thence S.  $47^{\circ} 15' 36''$  E., on the southwesterly line of said

Block Fourteen (14) a distance of 1,402.944 feet to a point on the northwesterly line of said East Eleventh Street as now laid out and established; thence along the said line of East Eleventh Street N. 42° 44' 24" E., a distance of two hundred twenty (220) feet to a point; thence N. 47° 15' 36" W., parallel to the southwesterly line of said Block Fourteen (14) a distance of 202.944 feet to a point; thence S. 42° 44' 24" W., parallel to the northwesterly line of East Eleventh Street a distance of fifty (50) feet to a point; thence N. 47° 15' 36" W., parallel to the southwesterly line of said Block Fourteen (14) a distance of twelve hundred (1200) feet to the point of beginning, and containing 5.71 acres, more or less, all in Section 27, Township 21 North, Range 3 East, W.M. Pierce County, Washington.

Subject, however, to existing public utility easements.

It is further ORDERED, ADJUDGED and DECREED that fee simple legal title to the above-described land is vested in the United States free and clear of any and all charges, interests, claims, taxes, liens and encumbrances of any kind or character whatsoever.

Done in Open Court this 4th day of November, 1943.

Charles H. Leavy  
United States District Judge

Presented by:

Oliver Malm  
Special Attorney  
Department of Justice

The foregoing is a full, true and correct copy of the within instrument Judg. & Order to Pay  
WITNESS my hand and seal this 4th day of November 1943

JUDSON W. SHORRETT, Clerk  
By Blayne A. Little  
DEPUTY

Approved:

A. C. Blair  
Metzger, Blair and Gardner  
Attorneys for respondent  
J. G. Dickson, Trustee

AIS:bjk

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

vs.

47.83 Acres of Land in Pierce  
County, Washington and J. G.  
DICKSON, TRUSTEE, et al.,  
AIR REDUCTION SALES COMPANY,  
a corporation;

Respondents.

DOCKET NO. 488

FINAL JUDGMENT

RE: PARCELS NOS. 10 and 11

(Filed Apr. 26, 1941)

This matter coming on regularly for hearing this day on the application of the United States of America, petitioner, herein for the entry of a final judgment, and it appearing to the Court that on the 31st day of August, 1942 the petitioner, United States of America, filed herein a Declaration of Taking and deposited in the registry of the Court the sum of \$69,976.00 as just compensation for the land described in said Declaration of Taking and hereinafter described; that thereafter a deficiency judgment was entered in the above entitled cause in the sum of \$41,676.00, and it further appearing that the Air Reduction Sales Company, a corporation, has an easement to construct, operate, and maintain an 8-inch pipe line on and across said Parcels Nos. 10 and 11 by instrument recorded May 1, 1942 under Auditor's Fee No. 1299034, records of Pierce County, Washington; and, it further appearing by the stipulation on file herein, that the petitioner has agreed to exclude from said Declaration of Taking and judgment the aforesaid easement, and the said Air Reduction Sales Company, a corporation, has agreed to waive and disclaim any compensation or damages resulting from this condemnation proceeding and releases the petitioner from any and all liabilities and obligations which may have arisen from said proceedings; and, it further appearing to the Court, that the balance remaining on deposit in the registry of this Court, is in the sum of \$1,676.00 and that the respondent, J. G. Dickson, Trustee, is entitled to have said amount paid to him, and the Court being fully advised in the premises; now, therefore, it is hereby



ORDERED, ADJUDGED and DECREED that the easement granted to the Air Reduction Sales Company, a corporation, to construct and maintain an 8-inch pipe line on and across said Parcels Nos. 10 and 11 by instrument recorded May 1, 1942 under Auditor's Fee No. 1299034, records of Pierce County, Washington be and the same is hereby excluded from the Declaration of Taking and Judgment on the Declaration of Taking on file herein, and more particularly from said Parcels Nos. 10 and 11 described as follows:

PARCEL NO. 10:

Beginning at the point of intersection of the southwesterly line of Alexander Avenue and the northeasterly extension of a line parallel to and 180 feet southeasterly from the northwesterly line of Block Fourteen (14), State Land Commissioner's Replat of Blocks Thirteen (13) to Forty-Eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat; thence parallel with the northwesterly line of said Block Fourteen (14) S. 42° 44' 24" W., a distance of Two Hundred (200) feet; thence parallel with the southwesterly line of said Block Fourteen (14) N. 47° 15' 36" W., a distance of one hundred fifty (150) feet to the northwesterly line of said Block Fourteen (14) S. 42° 44' 24" W., a distance of four hundred (400) feet; thence parallel with the southwesterly line of said Block Fourteen (14) S. 47° 15' 36" E., a distance of twelve hundred (1200) feet; thence parallel with the southeasterly line of said Block Fourteen (14) N. 42° 44' 24" E., a distance of fifty (50) feet; thence parallel with the southwesterly line of said Block Fourteen (14) S. 47° 15' 36" E., a distance of 208,944 feet to the northwesterly line of East Eleventh Street as now laid out and established; thence along said line of East Eleventh Street No. 42° 44' 24" E., a distance of three hundred forty (340) feet; thence on a curve to the left having a radius of two hundred ten (210) feet a distance of 229,867 feet to the end of said curve, said point being on the southwesterly line of Alexander Avenue as now laid out and established; thence along said line of Alexander Avenue N. 47° 15' 36" W., a distance of 1048,944 feet to the point of beginning; and containing 18.18 acres, more or less, all in Section 27, Township 21 North, Range 3 East, W. M., Pierce County, Washington.

PARCEL NO. 11:

Beginning at a point on the north westerly line of Block Fourteen (14) State Land Commissioner's Replat of Blocks Thirteen (13) to Forty-eight (48), both inclusive, Tacoma Tidelands, formerly in King County, Washington, commonly referred to as Ashton's Replat, a distance of six hundred (600) feet southwesterly from the point of intersection of the northeasterly extension of said northwesterly line of Block Fourteen (14) and the southwesterly line of Alexander Avenue, said point being the true point of beginning; thence along the northwesterly line of said Block Fourteen (14) S. 42° 44' 24" W., a distance of one hundred seventy (170).

feet; thence S. 47° 15' 36" E., on the southwesterly line of said Block Fourteen (14) a distance of 1,408.944 feet to a point on the northwesterly line of East Eleventh Street as now laid out and established; thence along the said line of East Eleventh Street N. 42° 44' 24" E., a distance of two hundred twenty (220) feet to a point; thence N. 47° 15' 36" W., parallel to the southwesterly line of said Block Fourteen (14) a distance of 202.944 feet to a point; thence S. 42° 44' 24" W., parallel to the northwesterly line of East Eleventh Street a distance of fifty (50) feet to a point; thence S. 47° 15' 36" W., parallel to the southwesterly line of said Block Fourteen (14) a distance of twelve hundred feet (1200) to the point of beginning, and containing 8.71 acres, more or less, all in Section 27, Township 21 North, Range 5, E.W. M. Pierce County, Washington.

It is further ORDERED, ADJUDGED and DECREED that the Clerk of this Court pay to J. O. Dickson, Trustee, the balance remaining in the Registry of this Court which is in the sum of \$1,676.00.

It is further ORDERED, ADJUDGED and DECREED that all payments heretofore made by the Clerk of this Court which sums total \$109,978.00 together with the sum of \$1,676.00 herein ordered to be paid, be and the same is hereby adjudged to be just compensation for the taking of the real property hereinabove described.

It is further ORDERED, ADJUDGED and DECREED that title to the above described land is vested in the United States of America free and clear of all charges, interest, claims, taxes, liens, or encumbrances of any kind or character whatsoever, except easement herein excluded.

DONE IN OPEN COURT this 26 day of April, 1944.

Presented by:

Amelroy L. Sells  
Special Attorney  
Department of Justice

CHARLES W. L'AVY  
United States District Judge

Approved:

ATR REDUCTION SALES COMPANY

GROSSCUP, MORROW & AMBLER

By John Ambler  
Attorney for respondent.

WETZGER, BLAIR & GARDNER

By G. E. Blair  
Attorney for Respondent  
J. O. Dickson, Trustee.

The foregoing is a full, true and correct copy of the within instrument. Filed April 26, 1944  
WITNESS my hand and official seal this 26 day of May 1944

By Charles W. L'avy  
DEPUTY

ND13/M1-13  
49-28-1  
F-5-3/JEC:lm

December 3, 1942

49-72-1A-5  
Sir:

Pursuant to the authority of the Acts of Congress approved March 27, 1942 (Public Law 507, 77th Congress) and February 7, 1942 (Public Law 441, 77th Congress), the Secretary of the Navy has selected for acquisition 16.2 acres of land, more or less, in Pierce County, Washington, as an extension of the facilities of the Seattle-Tacoma Shipbuilding Corporation, a corporation engaged in national defense activities and under contract with this Department.

The subject lands are delineated on a map entitled "Lands to be acquired by the United States of America lying in Tacoma, Pierce County, Washington, (Parking Facilities Seattle-Tacoma Shipbuilding Corp.)" dated November 30, 1942, and are more particularly described as follows:

All that land lying and being situate in the City of Tacoma, County of Pierce, State of Washington, more particularly described as follows:

TRACT 1

Commencing at the point of intersection of the extensions of the Southeasterly line of East Eleventh Street and the Southwesterly line of Alexander Avenue; thence Southeasterly with said Southwesterly line of Alexander Avenue 120 feet, more or less, to the Southeasterly line of Lot 26, said point being the true point of beginning; thence continuing Southeasterly with said Southwesterly line 880 feet to a point; thence Southwesterly parallel to the Southeasterly line of East Eleventh Street, a distance of 400 feet to a point; thence Northwesterly parallel to the Southwesterly line of Alexander Avenue, a distance of 880 feet to a point on the Southeasterly line of Lot 13; thence Northeasterly with the Southeasterly lines of Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26 to the point of beginning, containing 8.1 acres, more or less.

*Real Estate File* 41  
(11)

TRACT 4

Commencing at the point of intersection of the prolongation of the Southeasterly line of East Eleventh Street and the Northeasterly line of Alexander Avenue; thence Southeasterly with the Northeasterly line of Alexander Avenue 120 feet to the Southeasterly line of Lot 30, said point being the point of beginning; thence Southeasterly with the Northeasterly line of Alexander Avenue 880 feet to a point; thence Northeasterly parallel to the Southeasterly line of East Eleventh Street 400 feet to a point; thence Northwesterly parallel to the Northwesterly line of Alexander Avenue 880 feet to the most Easterly corner of Lot 43; thence Southwesterly with the Southeasterly lines of Lots 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, and 30, a distance of 400 feet to the point of beginning, containing 8.1 acres, more or less.

The interest to be acquired is the use and occupancy for the period ending June 30, 1943, with a right to renew annually for the duration of the present states of war and one year thereafter.

It is requested, pursuant to the authority vested in the Secretary of the Navy by the aforementioned Acts of Congress, that condemnation proceedings be instituted to acquire these lands and that an order of possession be secured from the court directing the surrender of these properties forthwith.

The ostensible owners of the property are:

Tacoma Harbor Lumber Company  
Philadelphia Quartz Company  
City of Tacoma  
Port of Tacoma

Very truly yours,

*jm*  
James Forrester  
Acting

Enclosure

The Honorable  
The Attorney General

cc: Com 13  
Lt. Bergman